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ABSTRACT

This manual provides training for Migrant Education Program personnel in the areas of program purpose and history, identification and recruitment of eligible students, program services, and the Migrant Student Record Transfer System (MSRTS) and other interstate linkages. The identification and recruitment process consists of three interrelated elements: (1) definitions governing migrant program eligibility; (2) the process recruiters use to translate those definitions into accurate and well recorded eligibility determinations; and (3) procedures to oversee the quality of recruiters' decisions. The manual's eligibility section contains definitions, instructions for completing the certificate of eligibility, illustrative case studies, indicators of possible nonqualifying conditions, assistance with difficult decisions, and lists of qualifying seasonal and temporary work in livestock, poultry, and dairy farming. The identification and recruitment section outlines the Texas statewide effort, strategies for effective recruitment, personal characteristics of the effective recruiter, recruiter duties and responsibilities, details of the recruitment interview, characteristics of a good supervisor, and identification and recruitment competencies. The quality control section discusses required components of the personnel training program; MSRTS interagency relationships; quality control in project districts, cooperatives, and service centers; district and state monitoring of school districts' compliance with state and federal regulations; and auditable files. Appendices contain federal regulations and nonregulatory guidance, questionnaires and forms, charts of eligibility conditions and qualifying activities, alternate spellings of Hispanic names, and a glossary. (SV)

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THE TEXAS STATE MANUAL FOR IDENTIFICATION AND RECRUITMENT OF THE MIGRANT STUDENTS

A MANUAL FOR PRACTITIONERS
IN THE MIGRANT EDUCATION PROGRAM
PRODUCED UNDER AN AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF EDUCATION
AND THE TEXAS EDUCATION AGENCY

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This manual has value and credibility because it embodies a collection of the best ideas submitted by those who contributed to its make-up. They deserve the credit for the strength of the material. The editor takes the credit for the order of presentation and accepts the blame for any errors or omissions.

Virginia A. Lopez
Project Director/Editor

FOREWORD

In 1967, the Migrant Education Program was established a part of the Elementary and Secondary Education Act (ESEA) of 1965. The vision of this legislation was to provide for the special educational needs of one of the nation's neediest special populations—migrant children. As part of the commitment by Texas to make this vision a reality, the Texas Education Agency has developed this manual to assist Texas school districts and service centers in planning and implementing quality training programs for migrant personnel in the areas of the history and purpose of the program, identification and recruitment, the Migrant Student Record Transfer System, program services, and interstate linkages.

Texas has the second largest migrant population of any state in the United States. There are larger concentrations of migrant students in some areas of the state than in others. In order to serve these children with quality education programs which will keep them in school, improve their academic achievement, and increase their graduation rates, they must first be identified and recruited. Texas is committed to these possibilities. The state recognizes the importance of a thorough search for migratory children. The Agency's philosophy is that all migrant children possible will be identified and recruited and then served with quality education programs.

Annually, all school districts are challenged to identify and recruit all migratory students. Schools are charged with being responsive to the educational needs of all children and must particularly address the educational needs of at-risk populations.

In order for our migrant program to be in compliance with federal regulations and state policies, educators and recruiters of migrant children must become acquainted with the required elements in this manual. Total familiarity with the contents and constant attention to the implementation of all regulations will help Texas to identify, recruit, and serve migrant students and to avoid audit exceptions.

W.N. Kirby
Commissioner of Education

INTRODUCTION

The Texas Education Agency (Agency) is responsible for the identification and recruitment of all eligible migratory children in the State. Identification and recruitment means determining the presence and location of migratory children and securing necessary information about these children (usually, but not necessarily, through an interview with the child's parent or guardian), documenting the basis for the child's eligibility, and enrolling the eligible child in the Migrant Student Record Transfer System (MSRTS).

The Agency's Migrant Education Program (MEP) funding and that of the school districts is dependent, in part, upon both its own count of the full-time equivalent number of eligible migratory children residing within its boundaries and similar counts in other states. The State's annual count of migratory children must be as accurate as possible. The Agency's careful identification and recruitment of the State's eligible migratory children is also pivotal to the proper implementation of other statutory responsibilities it assumes as a condition of its receipt of program funding. These statutory responsibilities include the following: determining areas of the State to be served; overseeing the State's school districts' annual needs assessments; including those migratory children who will be served because of their relative educational need; designing and evaluating its program; and determining the types of services that are most responsive to the special educational needs of the State's migratory children.

Program regulations dictate that the Agency and school districts are "responsible for implementing procedures that ensure the correctness of the information on which (they) rely" in determining the eligibility of a migratory child. The Agency can meet this responsibility by (1) undertaking reasonable steps to implement a formal process to ensure the accuracy of written eligibility information, (2) adequately training and guiding recruiters in practical ways to implement the MEP's eligibility rules, and (3) modifying recruiter training and guidance where necessary.

The identification and recruitment process consists of three elements that are inextricably linked. These elements are (1) the definitions governing migrant program eligibility, (2) the process recruiters use to translate those definitions into reasonably accurate and well-recorded eligibility determinations, and (3) the process the Agency plans and implements to ensure the quality of recruiters' decisions. Viewed in this light, identification and recruitment is itself a process that the Agency must oversee. The reasonable accuracy of each eligibility decision is important. When the process of quality identification and recruitment is satisfactorily articulated and addressed, the Agency's responsibilities in this regard can be measured against the ways it has implemented, monitored, and improved this process.

This manual provides useful information on identification and recruitment for practitioners at all levels. It is a training document and a reference tool. While all sections contain important information, those on eligibility, identification and recruitment, and quality control contain critical elements of required processes.

Education service center migrant staff, administrators in school districts, and other practitioners who train recruiters, MSRTS clerks, data entry specialists, and others involved in identification and recruitment will find this manual helpful in planning their training. Careful attention is required for those sections which are mandated as opposed to recommended. Words such as "must" and "shall" will serve as red flags to signal required activities.

Trainers are encouraged to use a variety of techniques and strategies to impart the information to veterans and to new staff. Some of these are peer tutoring, role playing, direct teach, guided practice, visual displays, dramatization, and group participation. Each trainer will use his/her creativity and knowledge when using these and others.

Maximum benefit can be derived from the use of this manual when it is supplemented by:

- *Implementation Guidelines for School District Required Migrant Student Record Transfer System (MSRTS) Component Activities* (Guidelines)

- *Identification and Recruitment of Migrant Students, A Framework for Texas Schools* (Framework)

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Eligibility

ELIGIBILITY

DEFINITIONS

In an analysis of the eligibility criteria, it is helpful to proceed from the realization that there are two categories of eligible migratory children: those defined as currently migratory and those defined as formerly migratory. Every eligible child can be in only one category at a given time.

The definition for a currently migratory child contains five basic elements:

WHO	A child, and a parent or guardian, who is a migratory agricultural worker or a migratory fisher;
WHAT	has moved;
WHERE	from one school district to another (or one administrative area to another);*
WHEN	within the past 12 months;
WHY	to enable one of those specified above or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

Within these basic elements are many key terms which need to be defined. Definitions are taken from Federal regulations published as 34 CFR, Part 201, April 30, 1985. (See Appendix)

WHO

The first element of eligibility contains the terms *child, parent, guardian, migratory agricultural worker,* and *migratory fisher.*

Child is defined at 34 CFR 204.2 in the following ways: ***Children*** *means . . .*(1) (i) *Persons up to age 21 who are entitled to a free public education not above grade 12;* (ii) *Preschool children . . .*.Preschool is further defined as ***Preschool children*** *means children who are—*(1) *Below the age and grade level at which the agency provides free public education; and* (2) *Of the age or grade level at which they can benefit from an organized instructional program provided in a school or instructional setting.*

*Applies to Alaska only (see April 30, 1985, *Federal Register,* page 18410, section 201.3, in the Appendix.)

Parent means natural parent, step-parent, or parent through adoption.

Guardian *means a person who—*(1) *has been appointed to be the legal guardian of a child through formal proceedings in accordance with state law;* (2) *an SEA determines would be appointed to be the legal guardian of a child under the law of the child's domiciliary state if formal guardianship proceedings were undertaken;* or (3) *is standing in the place of a parent to a child.*

Note that a person's spouse cannot be that person's guardian; therefore, an ineligible child who marries a migratory agricultural worker or migratory fisher does not gain eligibility because of moves made with a spouse. Conversely, an eligible child does not lose eligibility because of marriage.

If an ineligible child (never migrated) of a current migrant worker marries and makes a qualifying migration with or to join her spouse, who is a migrant and now a member of the immediate family through marriage, the child may gain eligibility.

Migratory agricultural worker *means a person who has moved within the past 12 months from one school district to another—or, in a state that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in an agricultural activity.*

Migratory fisher *means a person who has moved within the past 12 months from one school district to another—or, in a state that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in a fishing activity.*

The terminology in these two definitions is the same as that in the definition of *currently migratory child,* which is the primary focus of this discussion.

WHAT/WHERE

The second element of eligibility is the move, and the third is where that move took place: *from one school district to another.* For Migrant Education purposes, *move* means to enter another school district or move from one location to another across school district lines. The regulations on the matter are silent with regard to length of stay or distance traveled.

A qualifying move is not established when the travel is *only* for the purpose of visiting, vacationing, arranging personal business matters, or caring for ill family or friends. Daily commuting does not constitute a qualifying move.

A move to enter another school district may take place in one state, across state lines, or may be into the United States or its territories or possessions from nations bordering the United States. The U.S. Department of Education has advised some states that moves to destinations outside the United States, or its territories and possessions, cannot be counted as qualifying moves.

WHEN

The next element of eligibility is when the move took place. The importance of two dates and the means to establish correct and reasonably accurate data can not be overstated. Dates entered on

a COE must be as correct as possible because each such date becomes data that affects a student's eligibility in an important way.

The first date which must be established is the date of the student's arrival in the school district. This date is often referred to as the residency date. ***Residency*** is not an element of migrant eligibility. Date of arrival in the district is the same as residency date for eligibility purposes and is entered at item 20 on the COE. This date establishes the Full Time Equivalency (FTE) for each migrant student. The second important date is the LQM date shown for the parent/worker or for the student/worker on the COE. This is the date of the last migration to enable a worker to obtain qualifying employment. This date is entered on the COE at item 27. The LQM date establishes the day from which the period of eligibility, current or formerly migrant, begins to be counted.

When the child's last qualifying move occurred within the 12 months preceding the interview date, the child will be considered currently migratory. When the parent moves first and is later joined by the child, the date of the child's move establishes the LQM. When the child moves first and the parent moves later, the date of the parent's move establishes the LQM. On the COE, the child's actual date of arrival is entered. However, the computer will not accept a residency date before an LQM date. Therefore, for the computer the residency date entered is the same as the LQM date. A note concerning this fact should be made by the recruiter on the COE. In order to qualify on a move *to join*, a child must join the parent within 12 months.

A child whose move precedes a qualifying move by parents/guardians becomes eligible on the date of the parent's/guardian's move.

In subsequent moves with or to join a parent/guardian, the above continues to apply. A child establishes his/her own LQM and residency date when he/she has been eligible to be counted as a migrant and continues to migrate annually without the parent/guardian to enable him/her to obtain temporary/seasonal employment in an agricultural or fishing activity. Each move without the parent/guardian must be made within 365 days of the last qualifying move in order for the child to retain the status of currently migratory.

WHY

The last element of the basic eligibility criteria is why the move took place. In this element, the key terms are *to enable. . . .to obtain, member of the child's immediate family, temporary, seasonal, agricultural activity,* and *fishing activity.*

To enable. . .to obtain refers to a move made in order to secure seasonal or temporary employment, regardless of whether the employment is actually secured. If the worker was unable to secure such employment (i.e., secured no employment or had to secure other employment), he or she may still be judged to have made a qualifying move, all other factors being met, on the determination that the move was to secure temporary or seasonal agricultural or fishing employment.

Where the worker is engaged in qualifying work, asking why the move took place is not necessary.

Member of a child's immediate family—a relative, such as the child's brother, sister, aunt, uncle, cousin, or grandparent.

Temporary can be understood as compared to permanent. An employment may qualify if it is temporary, never if it is permanent.

Permanent employment can be defined as employment that is for an indefinite period of time. Employment by the same employer from year to year that is interrupted with periods of layoff where the employment is actually terminated or when layoff without pay occurs is not considered permanent.

The determination of whether an occupational activity is temporary does not necessarily depend on any specific period of time but only implies that the operating agency has reasonably determined that the occupation is not a constant year-round activity. In many cases, temporary employment usually lasts for no longer than 12 months. In a few cases, temporary employment may last longer than 12 months.

Examples of ***temporary*** activities include preparing or clearing the land, harvesting an area of trees, or meeting the ***temporary*** employment needs of a food processor or such other agricultural industries as dairy and livestock which tend to have peak employment periods. For instance, some dairies may need more workers in the winter for feeding or tending the cattle than at other times of the year when it is possible to put them out to pasture. Cattle operations in some areas traditionally market their beef in the fall, creating a high demand for employees to process the beef. Later in the year (Thanksgiving and Christmas), there is a slack period when the demand for beef is lower.

A ***seasonal*** activity is an activity generated by climatic conditions; by crop cycles, such as planting, cultivating, pruning, thinning, weeding, fertilizing, irrigating, harvesting, and food processing; or by marine life cycles in the case of commercial fishing and shellfish production.

Agricultural activity *means—(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence; (2) Any activity directly related to the cultivation or harvesting of trees; or (3) Any activity directly related to fish farms.*

Fishing activity *means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence. Note that fish farms are considered agricultural concerns, as opposed to fishing activities.*

Within the regulatory definitions for agricultural activity and fishing activity there are three terms which need some discussion. These are ***directly related, initial commercial sale,*** and ***personal subsistence.***

Directly related means those activities within production and processing, such as those delineated above as temporary and seasonal activities. In addition, a direct relationship exists when the activity is one that takes place at the same site as these production or processing activities. Slight changes in circumstances could alter determinations of eligibility for services; therefore, care must be taken to record the basis for arriving at decisions in situations which may be questioned.

Tree cultivation and *harvesting* are special categories of agricultural activities that do not include processing or directly related activities. Activities involved directly in tree cultivation or harvesting (e.g., soil preparation, planting, tending, pruning, marking, felling, and so forth) are qualifying activities. Once the trees are ready to be transported from a harvesting site to a processor, if the employer is the same, the transportation of logs can also be a qualifying activity. However, if the employer who transports the logs is not the same as the harvester, there is no longer a direct enough involvement in cultivation or harvesting for the activity to qualify the worker as agricultural. In this case, the transportation of logs marks the beginning of the stage of processing and employment in which transportation does not qualify the worker as agricultural.

Initial commercial sale—With regard to production, this means the first sale of the agricultural or fishing product. With regard to processing of products other than trees, as explained above, the initial commercial sale occurs with the sale of the processed product.

Personal subsistence means that the agricultural items are produced or fish or shellfish are caught for direct consumption and incidental sale by the worker and his or her family—rather than produced or caught for wages.

The regulatory definition of a "currently migratory child" includes children who have met the basic criteria for eligibility and who continue to migrate annually to secure qualifying employment. To continue to migrate annually means that the child has made a move, or series of moves, without a parent or guardian within 12 months of the time that a qualifying move was made by the child **with** or **to join** a migratory parent or guardian who is/was a migratory agricultural worker or migratory fisher.

The second category of eligibility is that of the "formerly migratory child." A child can be eligible under this definition for five additional years after his/her one-year current status ends. A child can be classified as formerly migratory even if he has never been identified as currently migratory, so long as qualifying conditions did exist up to six years prior to identification.

It is acceptable to identify and recruit a child as formerly migratory in the child's current state of residence based on a "qualifying move" occurring elsewhere. The state may rely on eligibility determinations made in another state. The state must make its own determination on additional qualifying moves and keep its own documentation relative to the eligibility of the child.

To meet the "concurrence" requirement in identifying and recruiting formerly migratory children eligible to be served in the Migrant Education Program (MEP), the Agency requires parent/guardian consent.

When a formerly migratory child makes a qualifying move, he or she becomes currently migratory once again, as explained under "Definitions."

THE DEFINITION FOR A CURRENTLY MIGRATORY CHILD CONTAINS FIVE BASIC ELEMENTS.

THE CERTIFICATE OF ELIGIBILITY

The entire identification and recruitment effort revolves around the information that must be obtained in writing to establish a student as eligible for the migrant program. In recent years, the document used has universally come to be called the Certificate of Eligibility (COE).

The COE is the legal document used by the state to enroll eligible migrant children into the Migrant Student Record Transfer System (MSRTS). The COE can only be completed by a person who has received annual training each school year prior to initiating recruitment. He/she must be knowledgeable about eligibility criteria for making eligibility determinations and about the services available to eligible students. Educational and support services (counseling, health, etc.) cannot be provided until the child has been determined eligible and the completed COE is properly distributed and filed by the fiscal agent. The importance of credible information on the COE cannot be overemphasized.

After obtaining eligibility information, the recruiter should always explain the following items to the parent/guardian before obtaining a signature on the COE:

- The MEP is a supplementary program that offers instructional assistance over and above the instruction being received from the minimum foundation teacher. The instructional component(s) in which the child may receive assistance in the district is (are) _____

  _____.

  Name the one(s) from the list below which the district provides:
  - academic instruction
  - remedial and compensatory instruction
  - bilingual and multicultural instruction
  - preschool services and/or summer school
  - educational services that are not available to eligible migratory children in adequate quantity or quality
  - instructional materials

  The support service(s) which the child may receive is (are) _____

  _____.

  Name the one(s) from the list below which the district provides:
  - special guidance, counseling, and testing services
  - health, nutritional, and social services
  - parent involvement

  Note: The school district must serve migrant students according to the following priorities:
  - ages 3-21 (PK-12) currently migratory children according to their needs
  - ages 3-21 (PK-12) formerly migratory children according to their needs

- The MSRTS is a national computer system that stores and transfers academic and health information on migrant students as they move from one school district to another.

- The COE is a legal document which satisfies the requirement to have a written record and in which the parent/guardian gives permission for the child to be in the MEP. The child's records

will be made available to the parent upon request. The "Family Educational Rights and Privacy Act" (FERPA) of 1974 protects the confidentiality of a child's records.

The COE should be screened twice before data are sent to the service center and are entered into the MSRTS. It must first be screened by the trained recruiter or another trained person at the site where it is completed. It should also be screened by the trained superintendent or the trained designee before data from it are sent in for processing. If there are any deficiencies, they must be corrected before the COE is accepted. Screening at the district and again at the service center should include a check of the following:

- Legible entries in ink
- All blanks completed
- Spelling
- Correct codes
- Correct student identification
- Birthdate entered (check that date is not more recent than LQM)
- Birthplace entered
- Birth verification checked
- LQM date matches status circled
- Migrant status circled
- Grade entered
- Places of move correct
- Acceptable eligibility statement
- Acceptable qualifying activity
- Agricultural or fishing work clear
- Parent/guardian listed and signature of parent/guardian match
- Signature of interviewer and date completed

Usually the information required on the COE is sufficient. In the case of a migrant family who moves a long distance to perform temporary or seasonal agricultural or fishing work, no additional information is usually necessary. In unusual circumstances, the recruiter must clarify the reason(s) for his/her eligibility determinations. (See "Determining Eligibility in Difficult Cases," "Indicators of Possible Non-Qualifying Conditions," and NRG.)

THE CERTIFICATE OF ELIGIBILITY IS A LEGAL DOCUMENT.

(1) School District: _____ (Name)

(2) Campus: _____ (Name) / (ID)

TEXAS EDUCATION AGENCY
Division of Migrant Education
Certificate of Eligibility

(3) School Year 19____-____

(4) Child Name: _____ (Last) (First)

I. CHILD DATA

(5) Child ID: _____ (Number and Mnemonic)

(6) Child Name: _____ (Last) (First) (Middle Name or Initial)

(7) Sex: Male ☐ Female ☐ (8) Birthdate: ____/____/____ (Month-Day-Year) (9) Birthplace: _____ (City) (State) (Country) (10) Race 1 2 3 4 5 (Circle one)

(11) Legal Parent Name: _____ (First) (Last) (12) Legal Parent Name: _____ (First) (Last)

(13) Verification: ☐Birth Certificate ☐Document ☐Other ☐None (14) Multiple Births: ☐2 ☐Other (Specify) _____

(15) Homebase Address: _____ (Street/P.O. Box) (City) (State) (ZIP code) (Country)

(16) Current Residence: _____ (Street/P.O. Box) (City) (State) (ZIP code)

(17) Current Parent Name: _____ (First) (Last) (18) Current Parent Name: _____ (First) (Last)

II. ELIGIBILITY DATA

These facts certify that (19) _____ (Name of Child) arrived in this district on (20) ____/____/____ (Residency Date—Mo/Da/Yr) (21) from _____ (School District)

_____ (City) _____ (State) and enrolled on (22) ____/____/____ (Enrollment—Mo/Da/Yr) in (23) _____ (Grade) with a migrant status of (24) 1 2 3 4 5 6 (Circle one) based upon a move with/to join (Circle one)

(25) _____ (Name of worker) (26) _____ (Relationship). This worker's move occurred on/about (27) ____/____/____ (Circle one) (LQM Date—Mo/Da/Yr)

from (28) _____ (LQM City-State-Country) to (29) _____ (LQM City-State)

and enabled the worker to seek and/or obtain temporary or seasonal employment in (30) _____ (Specific qualifying activity)

III. PARENT/GUARDIAN CERTIFICATION DATA

The rules for migrant eligibility, migrant services, and the Migrant Student Record Transfer System have been explained to me. I know that my child's records can be sent to other schools and that I may see and obtain them. If my child becomes a formerly migratory child, I give permission for him/her to be considered a formerly migratory child until his/her eligibility ends provided I can withdraw my permission at any time. I certify that the information listed above is true and correct to the best of my knowledge.

(31) _____ (Signature of ☐Parent ☐Guardian) (32) _____ (Relationship) (33) ____/____/____ (Date—Mo/Da/Yr) (34) _____ (Telephone No. of ☐Parent ☐Guardian)

IV. ELIGIBILITY CERTIFICATION DATA

I certify that I have received training in determining migrant eligibility and the types of migrant services available in this district.

I certify that this student is eligible for migrant services based on the information provided here. To the best of my knowledge, the information is reliable and valid.

(35) _____ (Signature of Interviewer) (36) ____/____/____ (Date—Mo/Da/Yr) (37) _____ (Signature of ☐Superintendent ☐Designee) (38) ____/____/____ (Date—Mo/Da/Yr)

(39) LANGUAGE USED TO EXPLAIN THE CONTENTS OF THIS DOCUMENT:

☐English ☐Spanish ☐Other (Specify) _____

White—LEA or Fiscal Agent Yellow—Data Entry Specialist Pink—Parent or Guardian

White—Use back for additional comments or explanation.

ADM-080R89

10

INSTRUCTIONS FOR CERTIFICATE OF ELIGIBILITY

The Certificate of Eligibility is the only legal document that may be used in Texas for the identification and recruitment of migratory children. The form shall be completed legibly, in ink, by a trained interviewer.

Heading

(1) Enter the name of the school district.

(2) Enter the campus name and MSRTS campus code in which the child is enrolled (e.g., Brown Elementary/BFYS). If the child is not enrolled in school, enter the campus name and code in which he/she would be enrolled, or enter the name of the district and the MSRTS code for the district (e.g., Buffalo Gap ISD/BQRP).

(3) Enter the current school year (e.g., 1989-90).

(4) Enter the name (last name first) of the child (e.g., Sarinana, Jose).

Section I: Child Data

(5) Enter the MSRTS child (student) I.D. (number and mnemonic), if available (e.g., 17076762, TFY).

(6) Enter the name (last, first, middle name or initial) of the child (e.g., Sarinana, Jose M).

(7) Check the box which describes the sex of the child.

(8) Enter the date (by month, day, and year) on which the child was born (e.g., 04/12/75).

(9) Enter the city and state abbreviation of the child's birth (e.g., Los Angeles, CA). If the child was born in Mexico or Canada, enter the city, state abbreviation, and country abbreviation (e.g., San Juan, GT, MX). If the child was born in another country, enter the city, state (if available) and the country name. (See Appendix)

(10) Circle the number which describes the ethnicity of the child, according to the child or the child's parent/guardian. The code descriptors are:

1—American Indian or Alaskan Native
2—Asian or Pacific Islander
3—Black, not Hispanic
4—Hispanic
5—White, not Hispanic

(11) Enter the first and last names of the male legal parent (e.g., Evaristo Sarinana).

(12) Enter the first and last names of the female legal parent (e.g., Geronima Sarinana).

(13) Check the box which describes the manner in which the child's birthdate was verified or confirmed. "Document" is considered to be any legal document other than a birth certificate (e.g., baptismal certificate, family Bible record). "Other" is verbal confirmation. Only if there is no record of the child's birth and the parent/guardian has no recollection of the birthdate "None" would be checked.

(14) Check_____if the child is a twin. In _____ Other, enter "3" if the child is a triplet, "4" if the child is a quadruplet, etc.

(15) Enter the complete address (including street/P.O. Box if available) of the location considered "home" by the parent/guardian, or to which the family returns most often. If the homebase is in another country, such as Mexico or Canada, enter the country abbreviation or country name.

(16) Enter the complete current address of the parent/guardian.

(17) Enter the first and last names of the male current parent, or the child's guardian (e.g., Idelfonso Gomez).

(18) Enter the first and last names of the female current parent, or the child's guardian (e.g., Elisa Gomez).

Section II: Eligibility Data

(19) Enter the first and last names of the child entered in (6) above.

(20) Enter the approximate date (by month, day, and year) on which the child arrived in the district (e.g., 09/03/89). Verify information with school records to insure credibility.

(21) Enter the name of the school district or "N/A" if not applicable, city, and the abbreviation of the state from which the child moved (e.g., Robstown ISD., Robstown, TX).

(22) Enter the date (by month, day, and year) in which the child enrolled in school, if applicable. If the child is not enrolled in school, enter "N/A."

(23) Enter the grade in which the child is enrolled in school, if applicable (e.g., 08). If the child is not enrolled in school, enter "N/A."

(24) Skip for now.

(25) Enter the first and last names of the worker who sought/obtained temporary or seasonal agricultural or fishing employment (e.g., Idelfonso Gomez or Maria Gomez).

(26) Enter the relationship of the worker to the child (e.g., stepfather).

(27) Enter the approximate date (by month, day, and year) for the qualifying move (09/03/89).

(28) Enter the school district, city, state, and country (if applicable) from which the child made the qualifying move (e.g., Buffalo Gap, Buffalo Gap, TX, USA). This location may be the one from which the child just arrived, or it may be different.

(29) Enter the school district, city, and state abbreviation to which the child made the qualifying move (e.g., Del Valle, Del Valle, TX). This location may be the child's present location, or it may be different.

(30) Enter a specific temporary or seasonal agricultural or fishing working activity (e.g., harvesting wheat). General descriptions such as "farm work" are not acceptable.

(24) Circle the proper migrant status code after completing Section II. Determine the code according to the following definitions:

1—Current interstate agricultural migrant
2—Current intrastate agricultural migrant
3—Former agricultural migrant
4—Current interstate fisher migrant
5—Current intrastate fisher migrant
6—Former fisher migrant

"Current" means that the child moved at least once within the past twelve months. "Former" means that the child has moved at least once within the past six years, but not within the past twelve months. "Interstate" means that the qualifying move was made from one state to another. "Intrastate" means that the qualifying move was made from one school district to another within the same state.

Section III: Parent/Guardian Certification Data

(31) After carefully explaining the statements to the parent/guardian, obtain a signature and check the box indicating whether the signature was that of the parent or guardian. A form without a signature will not be considered valid. If the parent/guardian cannot sign his/her name, have them indicate an "X" or other mark of their choice in place of the signature.

(32) Enter the relationship to the child of the person signing the form (e.g., father, uncle, etc.).

(33) Enter the date (by month, day, and year) on which the signature or mark of the parent/guardian was obtained (e.g., 09/05/89).

(34) Enter the telephone number of the parent/guardian, if available. If unavailable, enter "N/A." If available, check the box indicating whether the telephone number is that of the parent or the guardian.

Section IV: Eligibility Certification Data

(35) Review the form to be sure the information is accurate (as relayed by the parent/guardian) and complete. Enter the signature of the interviewer.

(36) Enter the date (by month, day, and year) on which the form was signed by the interviewer (e.g., 09/07/89).

(37) Enter the signature of the district superintendent or designee. Check the box indicating whether the signature is that of the superintendent or the designee. If the designee box is checked, there must be a letter on file giving authorization. The superintendent may designate more than one person authorized to sign the form.

(38) Enter the date (by month, day, and year) the form was signed by the superintendent or designee (e.g., 09/08/89).

(39) Check the language used to explain the form and its contents to the parent/guardian being interviewed. If "Other" is checked, specify the language used (e.g., Vietnamese).

Copy Distribution

After the form is completed, give the pink copy to the parent/guardian. Distribute the remaining copies after the signature of the superintendent or designee has been obtained. The original (white) form should be filed in the auditable file for the district or the fiscal agent, if the fiscal agent is not the district. The yellow copy should be forwarded to the data entry specialist at the Education Service Center.

CASE STUDIES

A review of sample case studies is an effective training tool. Case studies provide realistic examples for training recruiters in determining eligibility. The district and/or the education service center trainers must present case studies when they are conducting training for recruitment personnel.

Case studies and blank COEs are to be distributed to the participants. Ample time per case study must be allowed for participants to determine eligibility and complete the eligibility data on the COE. After each case study, discussion should be held. If any participant is in disagreement, the trainer should review again step by step how to determine eligibility.

After the initial year of this manual, new case studies should be introduced. They shall be provided by the Agency or by the trainer after approval by the Agency. The case studies should always be taken from actual situations. Trainers and participants must never make assumptions; they must make eligibility determinations on a case based only on the specific facts available.

Eligibility determinations are sometimes not possible due to insufficient information. In such cases, the recruiter or interviewer must probe for the missing facts.

CASE #1

A recruiter interviewed a mother at a labor camp on a farm near Gettysburg, Pennsylvania, on August 6, 1988. In the course of discussion, the recruiter was told the following facts:

- The entire family moved from Tampa, Florida to this farm on August 1, 1988. They arrived in Gettysburg on August 4, 1988.
- They moved with the intent to look for seasonal work picking apples.
- The farmer employed them to pick apples until the end of the harvest.
- They have traveled up to this part of Pennsylvania for the past four years to work during the fall apple season and do other qualifying migratory work up and down the Eastern Stream for about nine months out of the year.

Is the 11-year old child in this family eligible to be counted as a migratory child? If so, what is the date of the LQM?

CASE #2

A recruiter stopped by an artichoke patch near Salinas, California, on May 15, 1987, to interview a family who was taking a break from work to eat lunch with other migrant farmworkers. During the course of discussion, the recruiter discovered the following:

- The entire family moved from Santa Maria, California to Salinas on April 10, 1987.
- They came to the Salinas area in search of permanent bricklaying work in which the father and sons were previously employed while living in Mexico.

- Since they could find no such work, they decided to seek any type of employment and found a job picking vegetables for a couple of weeks only.
- They moved on to Santa Maria from Mexico to find permanent work, but were unsuccessful and instead found temporary work in an agricultural activity.

Is the 14-year old child of this family eligible to be counted as a migratory child? If so, what is the date of the LQM?

CASE 4

A recruiter heard from a school that a new family had enrolled and went to their home on April 30, 1988, to find out if they are migratory. The recruiter spoke with the father who stated:

- The family moved from Eagle Pass, Texas to Bryan, Texas, on April 15, 1988.
- They moved to find employment for the father, mother, and oldest son picking or ginning cotton.
- They were unsuccessful and unemployed.
- The parents both have a prior history of engaging in migratory farmwork in the area and had moved once before from the Rio Grande Valley to pick cotton in Bryan two years prior.

Is the 16-year old child in this family eligible to be counted as a migratory child?

CASE 5

A recruiter followed a lead from the school nurse and visited a family. During an interview on September 1, 1988, she discovered:

- The entire family moved from Little Rock, Arkansas to Martinsville, Indiana, on August 19, 1988.
- The father moved his family in order to find permanent work in construction or mechanics.
- He was unable to find any permanent work and would accept any job.
- The family had been engaged in migratory seasonal agricultural labor on and off for the past five years. The recruiter found out that they were in Martinsville the previous year picking cucumbers. (The recruiter verified this later by checking the MSRTS record.)

Is the nine-year old child in this case eligible to be counted as a current or formerly migratory child?

CASE 6

A recruiter interviewed a family on December 15, 1988, after a school counselor alerted her to a child who periodically missed school on Mondays and/or Fridays. The recruiter went to the home and found out that:

- The entire family had moved at least five weekends since June from Macon, Georgia to the Albany,

Georgia, area. Their most current move was on November 29, 1987.

- They have made these weekend moves to Albany in order to pick pecans and other crops while visiting and staying with relatives.
- The father has a part-time job as a janitor during the week. The mother is unemployed.

Would the 10-year old child in this case be counted as migratory?

CASE #6

On September 2, 1987, a recruiter was approached by a mother who wanted her child to be in the migrant program. In talking with the mother, the recruiter found out that:

- She, her husband, and her child moved on November 25, 1986, from Salem, Oregon to Portland, Oregon, to pick blueberries for four days before returning to Salem.
- Their intent in moving to Portland was to pick blueberries.
- The father managed a supermarket and the mother did not work.
- The family had been picking blueberries near Portland for the past few years.

Is the child in this family eligible to be counted as a migratory child?

CASE #7

A recruiter in Oklahoma heard from a neighbor that a new family had moved to a farm near town. The recruiter interviewed the parents on July 5, 1988, and discovered:

- The family moved from Wagon Mound, New Mexico to Boise City, Oklahoma, on June 5, 1987.
- The family moved to enable the father to obtain temporary work in agriculture.
- The father found a series of jobs mending fences and hauling hay and was working in other livestock related activities for the same rancher.
- The family worked on the same ranch for the same employer in New Mexico for three years before they moved to Oklahoma.

Can the seven-year old child in this family be considered migratory?

CASE #8

A family moved to Amarillo, Texas, and a recruiter spotted a new out-of-state license plate in front of an apartment building typically inhabited by meat-packing employees of a local meat processing plant. On May 15,1987, the recruiter found the owner of the car and discovered:

- The family moved from Iowa on May 1, 1987.

- They moved with the intent to find permanent work in a beef-packing plant.
- The father claimed to have a permanent job with the local plant. The employer, who the recruiter talked to later, told employees they are permanent. He offered them work for 25 hours per week and occasionally laid them off indefinitely depending on supply and demand factors of the market.
- The family had moved three times in the last two years to work in meat processing.
- The recruiter's handbook has an official state study on the meat packing industry in this region which states that the type of work done by this man is temporary in nature.

Is the five-year old child of this family eligible to be counted as migratory?

CASE 9

A parent informs the secretary at the elementary school where she enrolls her five-year old in kindergarten that the family has just arrived in town.

- The family arrived in Robstown, Texas from Donna, Texas on September 15, 1988.
- The move was not agriculturally related.
- The family had made a previous move from Amarillo, Texas to Donna, Texas on July 2, 1975, and the parents had worked on a citrus farm.

Would the five-year old child be eligible to be counted as migratory?

CASE 10

Sarita Lopez enrolled in the eighth grade in a junior high school in Amarillo, Texas. The recruiter discovered that:

- Sarita and her mother moved from Lubbock to Amarillo on June 23, 1987.
- Sarita enrolled in junior high school on September 2, 1987.
- The move was not agriculturally related.
- On September 7, 1984, the whole family had moved from Aurora, Illinois to Ocana, Florida to pick oranges and picked for four weeks.

Would Sarita qualify as a migratory child?

DETERMINING ELIGIBILITY IN DIFFICULT CASES

Conversations between recruiters and other MEP funded staff invariably include discussions on eligibility issues. These issues involve agricultural and fishing activities which are not **clearly** qualifying due to a variety of phenomenon, such as changes in different farming activities, advanced technology in agribusiness, and the novelty of some agricultural and fishing activities.

Recruiters need someone that they can call to get help in making difficult eligibility decisions. It is the state's obligation to give recruiters guidance in determining eligibility in difficult cases. The state examines specific cases, decides whether or not they qualify, and, if so, based on which criteria.

The specific process required by the state involves the recruiter at the district, or at the service center in cooperatives, the service center, and ultimately the state. The understanding should be that the state can always be contacted by either district or service center staff.

At the local level, the recruiter or the staff member most knowledgeable about eligibility gathers the information needed to make the eligibility determination. If the determination cannot be made, the recruiter or staff member follows the internal process of going to the supervisor or administrator for help. For additional help, one of the persons involved at the district level places a call to a service center staff member designated to make eligibility determinations. If determination cannot be reached at this level, the service center staff member contacts a staff member at the Agency designated to answer eligibility questions.

Difficult eligibility questions received by the Agency must follow a process before a determination of eligibility or ineligibility is reached. The person assigned the responsibility will determine whether similar cases have been reviewed in the past and the type of guidance which has been given. If no past similar cases are on file, eligibility will be decided based on the particulars of the individual case. The service center or district will then be called and given guidance.

Eligibility decisions which require guidance at the state level shall be shared with all service center MEP staff at the three annual training and information sharing sessions. Service center MEP staff will share decisions with the school districts in their service area within 30 days.

The quality control system which the state implements shall insure that difficult eligibility decisions are well explained on the COE. Difficult decisions made by recruiters will include sufficient narrative to satisfy state and federal auditors.

RECRUITERS CAN RELY ON THE STATE TO HELP MAKE DIFFICULT ELIGIBILITY DECISIONS.

INDICATORS OF POSSIBLE NON-QUALIFYING CONDITIONS

The section on "Determining Eligibility in Difficult Cases" deals with the process to follow in making eligibility decisions in difficult cases. This section, "Indicators of Possible Non-Qualifying Conditions," lists conditions which may be problematic for recruiters. There is a section in the NRG entitled, "The Need for Recruiters, in Specified Situations, to Detail the Reasoning in Their Eligibility Determinations." It includes a list of situations which are unusual. All of these indicators require extra effort from the recruiter. In each case, the recruiter must seek additional help or information to make a determination. When an eligibility decision is finally reached, the recruiter must clarify, in narrative form on the COE, the reasons for his/her determination. The reasoning does not need to be lengthy, but it must be complete and clear enough to withstand scrutiny over time.

- Qualifying worker-owned or operated farm/ranch or business for agricultural activities
- Truck drivers beyond the initial first haul
- Permanent employment in a qualifying activity; temporary supervisors, managers, and foremen might qualify
- Moves for 3 days or less (weekends), unless a well-established move pattern (3 or more weekends) exists (history of moves)
- Hauling for retail merchants beyond the initial commercial sale
- Raising race horses not meant for initial commercial sale
- Commuting other than daily

QUALIFYING SEASONAL/TEMPORARY ACTIVITIES IN LIVESTOCK, POULTRY, AND DAIRYING

The following section deals with qualifying seasonal/temporary work activities which may be performed when a migratory person is working with livestock or poultry and in dairying. A section on crops and fishing would also be very helpful to recruiters and may be provided in future additions to this manual. This information is not meant to be a substitute for the eligibility decision a recruiter must make for each individual child. The definitions require that each child must meet all eligibility criteria.

Recruiters must become familiar with the contents of this section. They may not have to make eligibility decisions concerning seasonal or temporary criteria for every activity contained here. Nevertheless, recruiters need to understand that the state must conduct recruitment so carefully as to be certain that all migrant children enrolled in the MSRTS meet all of the criteria for eligibility. They must also explain the eligibility determinations on the COE in language which can be understood by state and federal auditors who may be unfamiliar with the qualifying activities and/or their seasonal/temporary aspects.

When a recruiter is having difficulty making an eligibility decision on work related to processing in livestock, poultry, or dairy work, a review of the fact that in this type of work it is the migration and not the work that makes a worker eligible is important.

LIVESTOCK

Livestock are farm or domestic animals, such as cattle, horses, or pigs raised or kept for home use or for sale.

Livestock produced (raised) and/or processed (slaughtered) in Texas include: cattle, goats, sheep, swine, rabbits, horses, and deer.

- Examples of qualifying work activities performed **seasonally** (when they are most beneficial to the producer or the stock) **may** include:
  - "dehorning"* removing horns (spring)
  - herding, corralling, moving from pasture to pasture or pen to pen**
  - worming and vaccinating (spring)
  - calving, lambing*
  - plowing and harrowing land for planting of forage crop (early spring)
  - planting seed for hay and grain for forage (early spring or late fall, depending on variety)

*Industry Terms

This activity is **usually considered **seasonal.** It **may** be considered **temporary** if performed to meet the **impermanent** needs of the farmer or the worker.

- cutting hay for forage (July-August)
- clipping hay for seeding new pastures (August and September)
- harvesting grain (July-September)
- grinding grain and storing silage in silo (July-September)
- raking and baling hay (May until first frost)
- hauling and stacking hay in barns**
- gathering manure for fertilizer
- fertilizing pastures**
- shearing sheep (April-May)
- branding (spring)
- combatting regrowth mechanically and chemically
- chiseling the ground to aerate it
- controlling brush growth

- Qualifying production activities which **may** provide **temporary** employment for migrant workers include:
  - fencing/building and repairing fences
  - building pens, stalls, barns, etc.
  - branding/tagging
  - feeding, watering, and tending
  - administering medications and/or nutrients
  - cleaning animals, stalls, barns, pens, fence rows, etc.
  - preparing for and transporting to slaughter house, meat packing plants, and/or other points of initial commercial sale
  - skinning rabbits
  - weeding/clipping pastures
  - loading and unloading livestock
  - irrigating

- Qualifying activities in the processing of livestock which may provide **temporary** employment and which are performed at the slaughter house include:
  - loading and unloading livestock

This activity is **usually considered **seasonal**. It **may** be considered **temporary** if performed to meet the **impermanent** needs of the farmer or the worker.

- preparing for buying and/or slaughtering
- weighing
- slaughtering
- packaging
- labeling
- cleaning and maintaining area and equipment
- removing excess fat
- boxing similar cuts of beef
- storing beef in freezers
- deboning beef after chilling
- loading packaged meat

General Statements Concerning Livestock:
There **may** be two points of initial commercial sale: from the producer to the processor and/or from the processor to market.

A livestock farmer can make an initial commercial sale to another livestock farmer for improving his stock and/or an initial commercial sale to the slaughter house for processing.

Employment which is demanded by peak periods in the industry results in the hiring of temporary workers known as "gangs," "crew leaders," "foremen," "crews," "ranch hands," "hands," and/or "shifts."

In keeping with the federal definition, each individual case must qualify based on the migrant status of the worker. Migrant eligibility must be determined based on all criteria including the seasonal or temporary nature of the employment.

POULTRY

Poultry production and processing is the raising of domestic fowl for flesh, eggs, feathers, down, breeding, and by-products.

Poultry production and processing in Texas consists of chickens, turkeys, cornish hens, ducks, geese, quail, ostrich, pheasant, and dove.

- Examples of qualifying work activities which **may** provide temporary employment at **breeder egg farms**, the locations at which fertile eggs are produced, are:
  - cleaning house and equipment (prior to the arrival of day-old chicks from the hatchery)
  - unloading and spreading shavings or other bedding material
  - receiving and unloading chicks (the day of arrival)
  - separating pullets into units and placing roosters with the units for production of fertilized eggs
  - daily feeding and watering of laying hens

- gathering eggs (every hour)
- preparing eggs for shipment to hatchery
- transporting eggs to hatchery
- catching and caging hens (at the end of their laying season)
- loading hens for transporting
- transporting hens to the soup factory

(It is possible for a flock of layer hens to begin another laying season. If the flock is to be held over for another production season, the hens must first be caught, caged, and loaded and transported to another chicken house. These would also be qualifying work activities.)

- Examples of qualifying work activities which **may** provide temporary employment at **hatcheries**, the sites at which fertile eggs are received and tended until hatched into chicks, are:
  - receiving of eggs from breeder egg farms, unloading and storing, "candling,"* and sorting
  - placing eggs in trays and trays in incubators
  - pulling trays and removing chicks, shells, and unhatched eggs (at the end of 21 days)
  - cleaning of incubator trays
  - "sexing"* (determining sex), "debeaking"* (removing beak), and vaccinating day-old chicks
  - "boxing"* chicks for shipment to broiler houses
  - transporting boxes of chicks to broiler houses

- Examples of qualifying activities which **may** provide temporary employment at **broiler houses** (producers or feeders), the sites at which broiler chicks are placed until desired growth is reached, are:
  - cleaning of house and equipment prior to the arrival of the broiler chicks
  - receiving and unloading of chicks
  - hauling of feed from bulk mill to broiler house
  - unloading feed from truck into hopper at broiler house
  - daily feeding and watering of birds
  - adjusting height of feed and water troughs (as birds grow)
  - stirring birds (during extremely hot weather)

Note: These broiler houses are also commonly known as "chicken houses" or "chicken farms." From 20,000 to 100,000 day-old broiler chicks are placed with the producer. This flock is fed during a six-week (42-45 day) feeding period or conversion period (wherein the chicken feed is "converted"* into a four-to six-pound live-weight bird). At the end of the growing period, these birds are loaded out of the chicken house and transported in coops to the processing plant.

*Industry Term.

- catching, caging, and loading birds for transporting to broiler processing plant
- transporting chickens in coops to processing plant
- loading unused feed and transporting it back to mill

- Examples of qualifying work activities which **may** provide temporary employment at **processing plants,** the sites at which broiler chickens are received, slaughtered, and processed for initial commercial sale, are:
  - unloading chickens from coops
  - hanging chickens to prepare them for slaughter
  - killing chickens
  - deheading chickens
  - bleeding chickens
  - scalding chickens
  - removing feathers
  - opening body cavity
  - separating viscera (internals)
  - trimming (employee is called "trimmer")
  - removing entrails (nonusable) and usable parts (liver, heart, gizzard)
  - cleaning chickens and parts
  - inspecting carcass
  - chilling chickens and parts/chill-bath processing
  - grading
  - operating cutting machine/cutting grade B chickens
  - packing and icing chickens and parts
  - stacking boxes of chickens and parts onto pallets for refrigeration or for shipment
  - transporting to market

Note: There are times when these plants close down, even though the poultry industry is considered a year-round industrial process. Causes for shut-downs or delays can be attributed to:

Natural causes (heat waves, ice storms)—Even with all the care a feeder (producer) may take to protect his flock from heat, there have been extreme cases in which tens of thousands of birds have perished, causing a breakdown in the entire production and processing of poultry. In the same manner, an ice storm can knock out all electrical sources to the feeder as well as to the plant, where birds are conveyed through the processing line quickly and automatically by electric conveyor systems.

Flock contamination—A processor's source of supply can be badly interrupted because the feeder (producer) has experienced contamination of his flock through feed contamination (insecticides applied to grains, etc.).

On the other hand, there are periods of peak production which have been determined by market statistics over a period of time. These statistics indicate that during periods of peak production, more temporary workers must be employed in order to increase the number of broilers processed

(so that market demand can be satisfied). This practice is called "controlled hiring"* and is common to the poultry production industry.

As processing plants become more automated and the volume of production is increased by the use of computers, many activities necessary in the production process are performed by machines. However, many workers are needed at crucial points along the production line to perform activities and to be certain the work is progressing properly.

The "grade" of a chicken is designated to be "A" or "B" grade. Grade "A" is given to a whole chicken with a neck, a gizzard, a liver, and a heart packaged inside. Grade "B" is a chicken with one or more parts missing. Grade "B" chickens are always cut up and packaged to be sold by parts (wings, thighs, etc.).

Not all processing plants are equipped to cut up, package, and label separate parts of the chicken. Such plants only process whole broilers. Therefore, some plants will have a greater need for temporary workers.

The night shift at a chicken processing plant is considered the "production shift." Whatever processing activities have not been completed by the "night," or "production," shift will be completed by the "day" shift, or "clean-up" shift.

- Examples of qualifying work activities which **may** provide temporary employment at **egg farms**, the sites at which layer hens are housed and raised in order for them to produce eggs, are:
  - cleaning of houses and equipment (once a year)
  - receiving chicks or chickens
  - setting up chickens in roosts to begin laying
  - gathering eggs
  - cleaning and sorting eggs
  - "casing up eggs" and putting them into cold storage
  - loading eggs into refrigerated trucks for shipping
  - catching, caging, and loading birds (which have reached molt) for transporting to processing factory for making soup and other chicken products
  - transporting to market
  - grading eggs
  - packing eggs
  - preparing feed

  Chickens which will produce eggs for human consumption can be received at the egg farm as day-old chicks or as 14-16 week-old chickens. They begin laying when they are about 22 weeks of age and can lay 12-13 months before they reach molt (end of producing stage) and must be changed out with a new flock.

General Statements Concerning Poultry:
The production and processing activities in the state are usually accomplished for one corporate owner at different locations.

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*Industry Term

The initial commercial sale of the product (chicken) is not from the producer to the processor because the processor initiated the production and owns the product from the beginning through processing. The initial commercial sale of the product is from the processor to the retail market.

Initial commercial sale of eggs can take place from the egg farm to market or the eggs can be hatched and remain as part of the vertically integrated industry until they are processed.

Migrant families have been known to migrate in order to produce and process poultry as a principal means of personal subsistence. Instances of this nature are rare and must be carefully documented.

The production and processing of most other fowl is on a much smaller scale than that of chickens. Activities directly related to such production and processing may provide temporary employment opportunities for migrant workers.

DAIRYING

"Dairying" or "dairy farming" is an industry in which dairy animals and products are produced and/or processed.

Dairy animals known to be raised commercially in Texas are cows, bulls for feedlot, non-registered and registered bulls for reproduction, replacement heifers, and goats.

Dairy products in Texas include milk, butter, cheese, cheese products, ice cream, and powdered milk.

- Examples of qualifying activities that may take place collectively or partially on a dairy farm and are performed seasonally, when they are most beneficial to the stock or to the producer and may provide employment opportunities for migrant workers include:
  - calving
  - feeding calves
  - "dehorning,"* branding, worming, and vaccinating
  - herding/corralling/moving animals from pasture to pasture**
  - plowing and harrowing land for planting (early spring)
  - planting seed for hay and grain (early spring or late fall, depending on variety of grain or on weather conditions)
  - cutting hay (July-August)
  - clipping hay for seeding new pastures (August)
  - harvesting and storing silage (July-September)
  - raking and baling hay (May until first frost)

*Industry Term

**This activity may be considered seasonal or it can be considered temporary.

- hauling and stacking hay in barns**
- irrigating
- milking
- green chopping* (June until first frost)

- Qualifying activities, which may provide temporary employment for workers on a dairy farm, may include (but are not necessarily limited to):
  - transporting the animals to be sold
  - building or repairing fences
  - cleaning fence rows
  - fertilizing pastures
  - spraying for weed control and controlling brush growth
  - washing barns
  - scraping lots
  - irrigating

General Statements Concerning Dairy Farming:
In dairying, there may be an initial commercial sale when the dairy animal is sold to another dairy farmer for increasing his herd, or when the animal is sold to the slaughter house for processing. There may also be an initial commercial sale of the raw milk from the dairy farmer to the processor.

The dairy farmer may be the producer and the processor and therefore will process the milk himself for initial commercial sale.

*Industry Term
**This activity may be considered seasonal or it can be considered temporary.

Identification and Recruitment

IDENTIFICATION AND RECRUITMENT

The migrant recruiter, who may be a teacher, a teacher aide, a clerk, a community aide, or another person employed by the school, is most often the person who makes the first contact with parents of eligible children. For many of the parents, this initial contact sets the tone for the home-school relationship in the district. It is very important that this contact be positive as well as supportive of the various needs of the migrant family.

A set pattern of employment for recruiters is difficult to establish because of the varying needs of individual school districts. Recruiters may be full-time or part-time depending on those needs. In most cases, recruiters should be on duty prior to the beginning of the school year in order to conduct identification and recruitment. Each school district should be able to respond to the patterns of peak migrant arrival times. Sufficient recruitment personnel should be employed to identify and recruit students during the months of June, July, and August in areas of the state where it is necessary.

Recruitment may be defined as the location, identification, and enrollment of eligible migratory children. Recruitment needs to be continuous throughout the entire year and not be confined to any certain period of time. Although the bulk of the enrollments and re-enrollments may occur at the beginning of the school year, the currently migratory child may be moving from district to district throughout the year. Although already in the school district or in the district for a few years, the formerly migratory child may have been overlooked in the fall recruitment effort. identification and enrollment for this child could occur at any time during the year.

The Texas Education Agency (Agency) is ultimately responsible for implementing a statewide process that assures the reliability of eligibility determinations and for the quality of the information on the certificates that record those determinations. The recruiter, as an extension of the Agency, identifies children as migratory. The parent or child (or another person) provides statements of fact to the recruiter. The recruiter's primary responsibility is to interview the parent/guardian, gather facts from other sources and interpret them, and make eligibility determinations based on the facts.

A quality control process prescribed by the Agency gives the recruiter and the school district the confidence that eligibility determinations are correct and will withstand scrutiny over time.

THE TOTAL PROCESS INCLUDES IDENTIFICATION AND RECRUITMENT

RECRUITING STATEWIDE

Texas has the second largest migrant population of any state in the United States. There are larger concentrations of migrant students in some areas of the state than in others. In order to serve these children with quality programs which will keep them in school, improve their academic achievement, and increase their graduation rates, they must first be identified and recruited. Texas is committed to these possibilities for this population. The state recognizes the importance of a thorough search for migratory children. The Agency's philosophy is that all migrant children possible will be identified and recruited and then served based on their migrant status and their educational need with currently migratory children with the greatest educational need being the first priority.

In keeping with the Agency's commitment as stated in the *Application for Migrant Education Program Funds* to identify and recruit as many migrant students as possible, the Commissioner of Education disseminates a letter annually to all school district and service center administrators in the state. In the letter, he advises them of the need to identify and recruit all migratory students and of the funding available. He reminds them that Texas is charged with being responsive to the educational needs of all children and must particularly address the educational needs of at-risk populations.

Being cognizant of the needs in the area of identification and recruitment, the Commissioner makes funds available to service centers so that they can assist project and nonproject districts in this endeavor. Districts may also receive funds to employ personnel to do their recruiting. Funds are made available to service centers to employ personnel who train and provide technical assistance to recruiters and others involved in making eligibility decisions.

NONPROJECT DISTRICTS AND WAYS TO HELP THEM

Recruiting migrant students in nonproject districts, which are districts that may have migrant students but not a migrant program, requires diplomacy on the part of the service center and cooperation from the nonproject district personnel.

If any migrant students reside in a nonproject district, and if they are to be provided with migrant instructional and support services, the recruiter must very carefully consider the reason(s) for the absence of a program. There might be several reasons and some could be very legitimate. For example, the district might already be utilizing other resources to adequately meet the educational needs of its migrant students.

If the district does not have a migrant program because of a lack of knowledge of the program, its goals, or its advantages to students, to the community, and to the district, the recruiter or a migrant administrator may provide information to the district and persuade it to request a program.

Sometimes the district is genuinely unaware of the need that migrant children have for special help. Again, an educational effort is all that might be needed to convince the district about the need for special help. There are films which can be provided to be viewed by them. There are professionals who are experts on the needs of migrant children who can be contacted to speak to the district. Many times these professionals are already working at the service center in the area where the nonproject district exists.

There are administrators who dislike red tape and paperwork that come with any federally funded program. If this is the case, there is one very convincing strategy which could be used. The reluctant administrator could be persuaded to visit a successful program and ask the administrators of that program about the benefits as opposed to the task of extra paperwork. Often they will be convinced that the benefits outweigh the extra work.

Information can be provided to administrators who may feel that it is the state that operates the program since the state is ultimately the responsible party. These administrators need to know that they will receive the federal dollars which only require that they follow the federal regulations. They will still be the ones doing the hiring and assigning of personnel.

Finally, the district administrators can be advised of the many additional benefits of having a migrant program. They can be told that they will receive money to hire support personnel to help with the at-risk migrant children. They can hire staff and use an excess cost model to lower the pupil-teacher ratio in some classes. They can join a co-op and let the service center be the fiscal agent and take care of the paperwork. In addition to doing their recruiting, the service center will also be available to answer questions and/or provide technical assistance.

Recruiters can often use the identification and recruitment letter sent annually by the Agency to all school districts to open lines of communication and create a positive working relationship with nonproject districts. Nonproject districts often become project districts or cooperatives.

NONPROJECT DISTRICTS CAN BECOME PROJECT DISTRICTS.

STRATEGIES FOR EFFECTIVE RECRUITMENT

School districts should use a variety of strategies for locating children who may be eligible for the migrant program. By combining strategies, districts increase the likelihood of identifying all eligible children. The following are some suggestions for districts to use in developing a systematic recruitment plan. Additional suggestions and models are found beginning on page 10 and again beginning on page 17 of the manual, *Identification and Recruitment of Migrant Students, A Framework for Texas Schools* (Framework).

- Conduct awareness training for key personnel, such as migrant teachers, regular teachers, nurses, counselors, campus registrars, secretaries, attendance clerks, bus drivers, and others who can help to identify migrant children. (The person who makes the first contact or enrolls any or all of the students is a key person who needs this training.)
- Conduct training. Appropriate and sufficient training is the key to a successful program.
- Assign duties to recruiters prior to the beginning of the school year.
- Use available reports, i.e., Periodic Enrollment and Validation Reports, Mass Enrollment Reports, Education Service Center, Region I computer listings, Exception Reports, and Missed Enrollment Reports.
- Use survey forms and questionnaires. (See pages 10-13 in "Framework" manual.)
- Assign a continuous review of enrollment/registration cards.
- Coordinate with community agencies.
- Use the media (radio, TV, and newspaper).
- Canvas the community street by street.
- Invite parents to school on registration day.
- Display posters about the Migrant Education Program (MEP) in appropriate locations.
- Send out district-wide information on eligibility and the MEP.
- Contact leads to find migrant families, such as the following:

School registrars
Counselors
Attendance and migrant clerks
Secretaries
Nurses
Librarians
Teachers
School administrators
Students
Custodians
Laundromat owners
Charitable organizations
Texas Department of Human Resources
Community Agencies (Texas Migrant Council, Texas Employment Commission, health clinics, welfare offices, etc.)
Employers

Bus drivers
Post office workers
(in small towns)
Owners of small stores
Clergymen
Community Headstart Program
Utility companies

Crew leaders
Ranch owners/managers
Other migrant parents
Landlords of itinerant residential
areas and/or
low-income housing

By Combining Strategies, Districts Increase The Likelihood of Identifying All Eligible Children.

RECRUITER CHARACTERISTICS

The ability to establish quick and lasting rapport with parents and other persons, to obtain factual information, to communicate in the language the parents understand, and a wide array of cultural knowledge and understanding are necessary skills for the recruiter. This outline is an attempt to name and categorize the desirable characteristics and skills of a recruiter. The order is not necessarily synonymous with the level of importance.

Personal

1. Talented in just naturally wanting to interact with and help people.
2. Empathetic when dealing with other people's problems and living conditions.
3. Mobile in order to attend training, Parent Advisory Committee (PAC) meetings, and to conduct recruitment.
4. Assertive and resourceful in attempting to locate all migrant families in the district.
5. Patient in dealing with families, school personnel, growers, etc.
6. Friendly and genuine, especially under difficult circumstances.
7. Pleasant even in the face of unpleasant surroundings or situations.
8. Reliable at all times.
9. Honest in dealing with what parents can reasonably expect from him/her or the school district.
10. Groomed appropriately and never over dressed or inappropriately dressed.

Public Relations

1. Effective in eliciting cooperation.
2. Convincing in the face of skepticism or parental resistance to the MEP.
3. Positive about assignments regardless of how menial or difficult.
4. Tactful in dealing with the public and those who are not supportive of the MEP.
5. Optimistic in spite of dealing with poverty and the needs of other people.
6. Committed to giving migrant families leads to resources available.

Organization/Decision Making

1. Supportive of the MEP.
2. Objective in dealing with information and making decisions.
3. Efficient in structuring time and tasks, yet flexible when necessary.
4. Skillful in record keeping.

Motivational

1. Curious about new faces, early withdrawals, and late entries.
2. Brave enough to visit potentially dangerous neighborhoods.
3. Self-reliant when there is a sense of isolation or a need to work independently.

Educational

1. Knowledgeable about the MEP and related services, district boundaries, migrant housing, migration patterns, crops and catches and their seasons, and school-related services and activities.
2. Bilingual, if dealing with families whose language is other than English.
3. Skillful in the four communication skills (listening, speaking, reading, and writing).
4. Experienced. While desirable as a prerequisite, experience will probably be gained on the job.

DUTIES AND RESPONSIBILITIES OF A RECRUITER

The specific activities and responsibilities of the recruiter will be determined by the employing school district or service center in compliance with applicable federal and state regulations and policies. Attention must be given to assignment in the area of identification and recruitment. Recruiters can be more effective if they are permitted a flexible work schedule and maintain attendance reports as required by the employer. They must be free to recruit students at all times and particularly during peak arrival periods. Responsibilities of the recruiters are:

- Attend periodic scheduled training sessions (a recruiter cannot function effectively without adequate training).
- Certify the eligibility of children to participate in the MEP activities according to program eligibility criteria.
- Complete Certificates of Eligibility (COEs).
- Collect data which is required to enroll eligible children in the MSRTS and the local MEP.
- Maintain proper auditable records and current information relating to identification and recruitment.
- Serve as a communications link between the central office and the schools, growers, agribusinesses, and community agencies. This may require contacts with school principals, attendance counselors, growers, food processors, and community agents.
- Follow procedures, practices, and directives regarding MSRTS, recruitment, and the MEP.
- Determine the location of migrant students.
- Visit health clinics, charity organizations, civic groups, etc., in order to find migrant families.
- Conduct periodic surveys of migrant housing areas.
- Keep in contact with growers and organizations using migrant labor for the purpose of identifying migrant children as they move into the school district.

Additional duties which may be assigned to recruiters. These duties should never take precedence over the duties which directly effect identification and recruitment. Some of these are:

- Serve as a home-school coordinator as requested by the local project director, i.e., make home visits, obtain ancillary services, etc.
- Assist in recruiting parents for the PAC and PAC activities.
- Assist with referrals of migrant parents to community agencies for available resources.
- Perform other duties as prescribed by the local project director or supervisor.

PREPARATION FOR RECRUITMENT

There are procedures and preparations that are necessary to make the recruiter's job more effective. Taking the time to ensure that procedures and preparations are in place will result in efficiency and effectiveness once recruitment actually begins. Making a list of all forms, reports, and records that require completion and other paperwork requirements will help. Recruiters should:

- Attend annual training before recruitment begins.
- Notify the superintendent of the school district that recruitment will be conducted in his/her district all year or give specific dates. (This applies to service center and nonproject recruiters only.)
- Arrange all material needed in a folder. Include the following: The most recent *Federal Register(s)*, the "Texas State Manual for Identification and Recruitment of Migrant Students," extra COEs, Health Data Entry forms, other forms and brochures explaining the program, two pens, While-You-Were-Out slips, maps of the district, samples of MSRTS records to use to explain to parents, a dictionary in English and the other language that parents speak, and calling cards.
- Make canvassing plans of migrant families to insure that travel is efficient.
- Advertise! The public should know that the recruiter is coming. Notify local radio stations and newspapers; place posters in grocery stores, laundromats, etc.
- Know the programs and services in the district, what is offered, and what is not offered.
- Plan a "speech" to the parents. Practice makes perfect!
- Review the COE again. It is a legal document that records and establishes eligibility and must be filled out correctly and completely. Include it in practice sessions.
- Be prepared. Take any information a parent might want to know, such as local health facility locations, lists of social service agencies and services, pre-school programs, parental involvement activities, facts about the school system, local churches, and anything else of general interest.
- NEVER MAKE ASSUMPTIONS! Some common ones are that (1) all workers in a certain place automatically qualify, (2) the children in the family moved with the family, or (3) migrants belong (or don't belong) to a certain ethnic group.

TWO RULES THAT RECRUITERS SHOULD FOLLOW ARE:
ALWAYS BE PREPARED.
NEVER MAKE ASSUMPTIONS.

INTERVIEWING THE MIGRANT FAMILY

The federal regulations use the word "moved" to mean migration from one location to another as is the common practice of migratory families in search of agriculture/fishing temporary/seasonal work.

This manual uses the word "moved" in the section on "Eligibility" since it deals with the definitions as they are found in the regulation.

For the purpose of the actual interview of the migrant family, the recruiter must never use the words "move" or "moved" since they connote different meanings to different people. To the migrant population, "move" as going from one place to another is considered a drastic act akin to total relocation. Migrants do not "move" or totally relocate for they always expect to return to a permanent residence or a place where they usually live when they are not migratory.

In the speech of migrant families they use the words "go" and "went." Recruiters must make every effort to use the words that best describe what the family understands and can relate to.

The skills and personal characteristics associated with good recruiters are synonymous with those required for successful interviewing. The interview with the migrant family representative is the focal point of the recruiter's work and the ability to conduct an interview effectively and secure correct information will determine the recruiter's success or failure in the district's recruitment effort.

The interview is the most important mechanism through which a recruiter elicits factual information on which children are determined to be eligible or not eligible for the migrant program. Many skills are brought into play: the ability to relate comfortably with the parent/guardian; the ability to conduct an interview in an informal setting; and a wide array of cultural knowledge and understanding.

A prerequisite for interviewing is the thorough knowledge of migrant regulations and definitions. Recruiters should also develop skill in proper questioning techniques. The questions they ask should be open-ended to secure factual information. Extensive probing for additional information or clarification is usually not necessary except in questionable cases.

In order to determine eligibility for a child, a recruiter must investigate through questions in an effort to obtain information. It is vital that the recruiter know how to phrase questions and elicit correct and useful information. In most cases the recruiter will interview the parent/guardian. The following line of questioning may be used in training recruiters; however, they need to know that the most critical aspect of the interview is the credibility of the information obtained. A programmed and highly structured line of questioning may yield less information than a more informal approach which puts the family at ease. (Also see Forms, Questionnaires, and Charts in the Appendix.)

Introduction

The migrant family has dignity and worth. The family may speak a different language and come from a different cultural background. Different does not mean inferior. The recruiter must always show courtesy and respect for the differences and for the family's right to privacy. It is best if the recruiter attempts to put the family at ease. This can be accomplished if professional but informal language is used. The recruiter must be careful not to use an approach which is too casual and may appear insincere. Building rapport (trust) will lead to sharing of information.

The recruiter should greet the family, introduce him/her self by name, and identify the school district or service center being represented. The recruiter may use this approach:

> "Good morning Mr./Mrs. _____. I would like to talk with you for a few minutes. My name is _____. I work for the _____ Independent School District (service center)."

After the initial introduction, the recruiter should explain that the school district employs recruiters to interview parents to see if their children qualify for some of the many programs being offered.

The recruiter may say:

> "In my work I visit parents who have children in school." (Here the recruiter may try to strengthen rapport with the family by introducing some personal information. The recruiter might bring up the name of the migrant family who recommended a visit to this migrant family, or share the fact that he/she was also once a migrant, or provide some information on how much school programs can help children because teachers care so much.) The recruiter can then say, "Our school has many programs that can help children do well in school. For example, we have bilingual, reading, tutorial, gifted and talented, math, and migrant programs. In order to find out if your child can be in one of these programs, I need to ask you a few questions. Some of these programs require information about the kind of work that the parent/guardian or another member of the family do."

The recruiter should ask the family member(s) being interviewed if the time is agreeable to them for the interview. If it is not, an appointment for another time should be made. If it is, the recruiter may proceed as follows.

Family's Present Circumstances

The recruiter should ask if anyone in the family has been able to find work in the community. **If the answer is yes,** the recruiter asks all of the questions dealing with eligibility criteria:

> "What kind of work were you looking for?" or "What kind of work have you been able to find?" or "What kind of work are you doing?" (This determines if it was in agriculture or fishing but the recruiter does not specifically ask if the work was in agriculture or fishing.)
>
> "Who traveled or migrated?" [This determines if the parent/guardian and/or the child(ren) migrated].
>
> "Did one or more of the children travel with or to join the parent/guardian?"
>
> "Was the migration within the past 12 months?" "Was the migration within the past six years?"
>
> "Did the family migrate from one of a migratory worker, school district to another?"
>
> "Did the migration enable the child of a migratory worker, the child's parent/guardian, or a member of the child's immediate family to obtain seasonal/temporary employment?"

If the answer is no, the recruiter asks:

> "What kind of work have you looked for?" (The recruiter does not use the word intent but that is what is being looked for.)

Qualifying a worker on intent can become questionable in future audits. Recruiters can safeguard the credibility of an eligibility determination based on intent by asking a few questions and entering the responses or a summary of the responses on the COE. Sample questions are:

> "Where (what place) did you apply for work?" "Who did you talk to?"
>
> "When (date or approximate date) did you apply for this work?"
>
> "Did someone take you there?" "What was that person's name?"

Obtaining this information and entering it on a COE provides a third party credible source to be contacted if a question arises over the eligibility determination.

If the answer is that the work looked for was in agriculture/fishing and all of the criteria were met, the child(ren) qualify even if there has been no employment or there is permanent employment.

If the answer is no, and the work looked for (intent) was permanent work, and the worker has obtained permanent work or is unemployed, the child(ren) do not qualify on this migration.

Migratory History

The recruiter must then ask questions to determine prior migrations within the last six years of the date of the present recruitment. If the recruiter determines that a family migrated from one place to another to work in agriculture or fishing, the recruiter must arrive at the last, most recent, migration to determine the LQM and the status of eligibility.

If a recruiter is able to determine a migration within the prior six years, all questions regarding criteria to be met should be asked:

> "Did the child(ren) travel with or to join the parent/guardian?"
>
> "Was the migration within the past 12 months?"
>
> "Did the family travel from one school district to another?"
>
> "Did the migration enable the child of a migratory worker, the child's parent/guardian, or a member of the child's immediate family to obtain seasonal/temporary employment in agriculture or fishing?"

When qualifying formerlys, the recruiter also needs to establish third party sources who can provide credible facts if an eligibility determination is questioned. The following list is representative of such sources:

- Names and enrollment records of schools attended in the past.
- Name of past employer(s) or companies worked for.

- Name(s) of other families that this family has traveled or worked with.
- Place (district) where the family was interviewed in the past.
- Agency(ies) which have helped the migrant family (the federally funded, Date Street Housing Project in Plainview, Texas, the Texas Migrant Council in Laredo, Texas, and in Hereford, Texas, etc.).
- Dates and places of births, marriages, and graduations.

Family Member(s) Who Migrated

There may be several children in the family and several other family members including the father, the mother, grandparents, uncles, aunts, and cousins. The recruiter must determine through questioning who actually migrated on this or prior migrations. All eligible children in the family ages zero through 21 who meet the criteria should be identified.

The recruiter should probe with additional questions in cases where children are over the age of 16 to determine if they migrated or if they have already graduated. Birth dates for children should be checked against credible sources such as birth certificates, baptismal records, and/or school records.

The recruiter must question to determine if the migration leads to a current or to a former status for one or more of the children. It will also be necessary for the recruiter to know if the parent/guardian migrated, and, if not, who stood in place of a parent to the child(ren). This information is necessary in order for the recruiter to determine eligibility, to support that the information obtained was from a credible source, and to obtain a signature on the COE.

Family Member(s) Who Did Qualifying Work

The recruiter will not ask questions such as, "Did the father work in agriculture?" The recruiter will ask who worked and what kind of work it was. The answers should yield the name of the parent/guardian migratory worker and the child(ren) who also worked to determine if the migration enabled the child of a migratory worker, the child's guardian, or a member of the child's immediate family to obtain seasonal/temporary agricultural or fishing work.

Dates of Departure and Return

The recruiter must establish the status of the migrant child being recruited. Dates of departure and arrival from location to location are important. The recruiter may ask:

> "When (date or approximate date) did you arrive here?" "When did you leave the place where you were?" These two questions may provide the information to determine current migrant status. If they do not, the recruiter must try to determine formerly status on past migrations.

Questions which can be asked are:

> "When was the last time (most recent) that you went from one place to another to find work?" "When did you leave one place?" "When did you arrive at another place?"

Credible Sources of Support

The recruiter will have initially, and throughout the questioning, demonstrated sensitivity to the rights of the family. At this time, the family member(s) being interviewed should be asked if they are agreeable to spending time answering questions while the recruiter completes the COE(s). If they are, the recruiter proceeds. If they are not, an appointment for a future time is made.

The recruiter must remember the importance of obtaining information on third party credible sources and documenting it for cases involving intent and/or formerlys. In most cases these may never be contacted or reviewed again; however, in an audit, the third party source is the additional credible source which the recruiter obtained. Some of these sources are listed under "Migrant History."

The recruiter who interviews a family, personally observes them doing qualifying work, and documents the observation is considered a credible source.

All of the conditions required by the regulations and found under "Family's Present Circumstances" must be met in order for the child(ren) to be eligible. The recruiter should always remember that possible error lies both in identifying a child as eligible when the child is ineligible as well as in not identifying a child who is eligible.

The recruiter now does the following:

- Explains the function of the MSRTS and the benefits of the MEP after eligibility is established.
- Informs the parent/guardian of their rights under the "Family Education Rights and Privacy Act" (FERPA).
- Completes all information on the COE. (A trained school administrator or a designee reviews and signs the COE upon the recruiter's return to the school campus.)
- Reviews the COE(s) for completeness and accuracy while still at the site.
- Obtains the parent/guardian signature.
- Answers questions when asked or makes a note of the questions and indicates that the answers will be provided promptly.
- Asks the family about other families who might have come to the area to work in qualifying activities.
- Tells the parents that the district will now decide what educational needs the child has and what services will be provided.
- Tells the parents about the PAC.
- Gives the parents the pink copy(ies) of the COE(s) and thanks them for their time and information.

The regulations require the state and its operating agencies to implement procedures to verify the accuracy of information used to establish child eligibility. The regulatory requirements state:

> "In determining the eligibility of a child, an SEA and its operating agency may seek and obtain credible information from any source, including that provided by the child or his or her parent or guardian. Neither the SEA nor its operating agency is required to obtain documentary proof of either the child's eligibility of civil status from the child or his of her parent or guardian. However, the SEA and its operating agency are responsible for implementing procedures that ensure the correctness of the information on which the SEA or the operating agency relies." 34 CFR 201.30(b)

"Credible" is information that is worthy of belief from a person that has knowledge of the information conveyed. Credible information can also be obtained from sources such as a child's school records. Since the regulations state that the state is responsible for ". . . implementing procedures that ensure the correctness of the information . . .," care must be taken to assure that the most credible sources of information are used in determining child eligibility.

In identifying a child, recruiters should rely on information furnished by a parent or guardian, if possible. The nature of the information required for an eligibility determination is such that a parent or guardian is likely to be in the best position to know all of the information required, in the detail and specificity needed for full and incontestable documentation.

EXTENSIVE PROBING SHOULD BE AVOIDED EXCEPT IN DIFFICULT SITUATIONS.

SUPERVISON OF RECRUITERS

Dual responsibility for supervising recruiters is unique to the MEP. Recruiters are hired by local school districts or by service centers. These agencies have supervision responsibilities over recruiters; however, the state always maintains a degree of supervision. The state supervisory role is carried out through training sessions and during monitoring of school districts and service centers.

Law dictates that the state operates the MEP. The state is obligated to identify and recruit migrant students within its boundaries. To accomplish this, the state funds school districts and service centers to employ recruiters and holds all parties accountable for accuracy in the identification and recruitment process. The federal government can hold the state accountable for the quality of the identification and recruitment process made by its school districts and service centers. Ultimately, this responsibility has to be met by the individual recruiter.

Day-to-day supervision of the recruiter is carried out at the local and service center levels. The state communicates to the service centers and to the school districts the exact standards for identification and recruitment and the expected relationship between local, service center, and state responsibilities. Disagreements or misunderstandings between the state, service center, and local staff are quickly resolved so that recruiters always receive clear messages from their immediate employers at the local level.

Federal law and Agency guidelines for the MEP must be completely and continuously followed. Failure to do so could cause an audit exception to the district during a state audit review.

A successful supervisor maintains a balance of involvement. The supervisor does not need to become so involved as to be doing the work of the recruiter. The supervisor should be ever vigilant that the recruiter maintains a realistic schedule and completes tasks when they are due. A recruiter needs to know that the supervisor cares about his/her work and understands enough about it to be of assistance when it is needed.

Some qualities of a good supervisor are:

- Likes working with people
- Accepts other cultures
- Requires mandatory training of all recruiters prior to recruitment
- Relates to other professionals
- Is well organized
- Is visible and respected in the community
- Is trusted by employees
- Demonstrates empathy
- Comes across as genuine

- Supports the recruiters
- Builds employee's confidence
- Promotes and supports training
- Is an advocate for migrant families
- Fills gaps in a recruiter's skills
- Uses positive ways to educate recruiters
- Has an open-door policy
- Is always there to answer a recruiter's questions
- Has a working relationship with the agricultural and/or fishing community

A Successful Supervisor Maintains A Balance of Involvement.

PRE/POST ASSESSMENT

To effectively plan training for recruiters, district and/or service center trainers should conduct an assessment of the level of knowledge within the group. Knowing this will provide the information necessary to determine the teaching approach and the grouping techniques which will be most appropriate. It may be that first-year and other recently employed recruiters need in-depth training in one, several, or all areas. Veteran recruiters, although not excused from annual training, may need more in-depth training on migrant program changes and could actually serve as peer tutors or group leaders in training for the recently employed recruiters.

A post assessment will provide the trainers with an indicator of how well the information they presented was learned. A large percentage of recruiters missing a large number of questions should alert the trainers to the need to revise the method of presentation and to offer follow-up training. The content offered in training sessions is required; however, techniques and methodologies can be varied to create interest and enhance learning.

Unless notified by the Agency, trainers will continue to use the Pre/Post Assessment instrument in this manual.

Note: Trainers should be thoroughly familiar with the assessment questions in order to ensure that they are all addressed during training. New concepts and vocabulary should always be dealt with. All assessment questions are either directly answered or can be inferred within the content of this manual.

IDENTIFICATION AND RECRUITMENT COMPETENCIES

TEST INSTRUCTIONS

If the grading is to be done by machine, participants are not to write on the test sheets. Number two pencils should be used.

TRUE OR FALSE:

1. Soil preparation and irrigation are **not** considered to be agricultural activities.
2. "Initial commercial sale" means the first sale of the agricultural or fishing product after the first processing stop.
3. Any activity beyond the first processing stop is an ineligible qualifying activity.
4. The federal regulation states that a "formerly migratory child" means a child who was eligible to be counted and served as a currently migratory child within the past five years, but is not now a currently migratory child; and has the concurrence of his or her parent or guardian to continue to be considered a migratory child.
5. Children of refugees are **not** eligible, although their families have been involved in agriculture in their home country and have had to relocate in the United States for political reasons. (Note: This statement refers to the initial move into the U.S.)
6. Workers involved in the processing of forest products, which includes mill yard workers who unload logs from vehicles at the mill site and initially process them, are eligible in the "agricultural activity" definition.
7. "Migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child."
8. "Guardian" can mean a person standing in the place of a parent to a child and does **not** have to meet a legal definition.
9. "Principal means of personal subsistence" in regards to the "fishing activity" definition means that the migratory worker must haul the fish to the processing plant in order for this to be a qualifying activity.
10. "The Family Educational Rights and Privacy Act" provides each family the right to access their student's records and provides that the privacy of such records is protected.
11. In order to qualify for migrant program services, the family must be citizens of the United States.
12. A seasonal activity is generated by a crop cycle.
13. Employment in a florist shop is **not** considered an agricultural activity.
14. A person's spouse can be that person's guardian.
15. The only instance in which processing is **not** included as a qualifying activity is when it occurs after the cultivation and harvesting of trees.
16. The Migrant Education Program (MEP) must be supplemental to the foundation program.

17. Fish farms are considered to be an agricultural activity.
18. Horticultural crops, such as the cutting of timber, are considered to be qualifying.
19. Farm or ranch activities must be related **only** to the production of livestock for human consumption.
20. A one-time signature of a parent on the Texas COE suffices for program participation by a child classified as a status 3 for the entire period of settled-out (formerly) eligibility.
21. In difficult cases a recruiter should probe extensively for additional information or clarification.
22. The recruiter's job in establishing the eligibility of children for the MEP is **not** complete until the eligibility determination has been documented.
23. All conditions of the federal definitions must be met in order for a family to qualify for program services.
24. A child's statement regarding eligibility is **not** considered to be a credible source of information.
25. A tally clerk in the lettuce field who records each worker's production and who meets all qualifying criteria is engaged in a qualifying activity.
26. A recruiter's principal mission is to determine and certify the eligibility of children.
27. Eligibility determinations are made on a series of required factors, **all** of which must be present for eligibility to exist.
28. Eligibility is **not** based on an agricultural or fishing activity being temporary or seasonal.
29. The recruiter must establish who is/was engaged in a qualifying agricultural or fishing activity.
30. Parents can mean natural parents, step-parents, or parents through adoption.
31. Daily commuting does **not** constitute a qualifying migration.
32. Moves to destinations outside of the United States or its territories and possessions can be counted as qualifying moves.
33. When the parent moves first and is joined by the child within 12 months, the date of the parent's move establishes the LQM.
34. Every recruiter must receive annual training. Before engaging in any recruitment, a recruiter must be trained.
35. A child whose migration precedes a qualifying migration by parents or guardians becomes eligible on the date of his/her move.
36. "To enable. . . .to obtain" refers to a migration made in order to secure temporary or seasonal employment, whether or **not** the employment is actually secured.
37. "Members of the child's immediate family" means a relative, such as the child's brother, sister, godfather, uncle, grandparent, or cousin.
38. "Agricultural activity" means "any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence; any activity directly related to the cultivation or harvesting of trees; or any activity directly related to fish farms."

39. To "continue to migrate annually" means that the child has made a move, or series of moves, without a parent or guardian, within 12 months of the time that a qualifying move was made by the child with or to join a migratory parent or guardian who is/was a migratory agricultural worker or migratory fisher.

40. It is important for school personnel to be able to ask questions using a systematic interview technique.

41. If a child moves to join a parent or guardian who moved to obtain a temporary or seasonal job in agriculture or fishing, the child is **not** eligible.

42. A child's brother can be considered a guardian to a child.

43. Temporary activities have an approximate beginning and an approximate ending date.

44. If a single move is just for a few days (i.e., 1-3), the state recommends that the child **not** be considered eligible.

45. It is the state's obligation to provide guidance in determining eligibility in difficult cases.

46. All school districts in the state operate a migrant program.

47. An error rate of five percent (5%) or more in accuracy or completeness or timelines of COEs sent to the service center requires a call or visit to the district.

48. The document used by the Agency to record information on eligibility is called the Certificate of Eligibility.

49. Enrolling a non migrant into a migrant program is legal.

50. In order for the Migrant Student Record Transfer System to work, only data entry specialists must care, cooperate, and work with it.

Quality Control

QUALITY CONTROL

A system of quality control involves a cooperative working relationship between and among all of the agencies involved. In Texas, the system involves the state Agency, the 20 education service centers, and the local school districts. Each agency fulfills a unique role and has specific responsibilities to make the system work.

The requirements of staff which contribute to the system of quality control are the following:

- Training in the amount and on the components required
- An understanding of the MSRTS
- Complete understanding of the MSRTS component activities
- Knowledge of the monitoring process by staff in each of their agencies
- Knowledge of and adherence to the maintenance of auditable files

TRAINING

MANDATE

The Agency shall conduct a comprehensive training program for all service center staff who are involved in migrant education. Regular training sessions will be prescheduled annually for August, January, and April.

Service center and Agency staff shall train school district recruiters in each region annually prior to recruitment and to September 1, the state-mandated date to begin the academic school year. Other personnel, including administrators, teachers, counselors, nurses, teacher aides, community aides, community clerks, and Migrant Student Record Transfer System (MSRTS) clerks, who are involved in some way in initial eligibility determinations and in verification and/or validation of those determinations, shall be trained. Agency staff will observe the training of recruiters at six to 10 service centers each year to ensure that it meets the required components. Observations will be scheduled so that every service center training is observed at least once every three years.

REQUIRED COMPONENTS

The training program must consist of the following components:

1. Migrant Education Program (MEP) Overview

- History and purpose of the program in serving migrant students
- Program components
  - Identification and Recruitment
  - The Migrant Student Record Transfer System
  - Instructional, Health, and Support Services
  - Interstate Linkages

2. Identification and Recruitment

- The purpose and importance of identification and recruitment
- Detailed review of federal regulations on migrant child eligibility and eligibility case studies
- Detailed review of the Certificate of Eligibility (COE) for complete understanding
- Procedures for conducting parent interviews, including communication skills and cultural awareness
- Strategies for locating potentially eligible migrant children (enrollees and nonenrollees)
- Coordination with other community agencies who may come into contact with migrant families
- Procedures for verifying the accuracy and completeness of data recorded on the COE
- Requirements for filing and maintaining COEs
- Detailed review of Agency policies and guidelines for the MEP

3. The Migrant Student Record Transfer System

- History and purpose of the MSRTS in serving migrant students
- Overview of school district required MSRTS activities and implementation guidelines, including:
  - Priorities and procedures for submitting enrollment, education, health, and withdrawal data to the MSRTS data bank via the service center terminal site
  - Requirements for filing and keeping records and procedures for completing logs to document MSRTS data
  - Strategies for assessing the effectiveness of the implementation of the required MSRTS activities
- Role of the service center terminal site and service center data entry specialist
- Procedures for removing misidentified migrant students from the MSRTS data bank

- Overview of applicable MSRTS management reports
- Uses of MSRTS data by school personnel (teachers, counselors, registrars, nurses, etc.)

Refresher training sessions to remind staff about requirements and timelines will be encouraged.

Ongoing technical assistance will be provided by service center staff as a result of school district staff requests and periodic reviews of incoming MSRTS data.

ADEQUATE AND TIMELY TRAINING ARE THE FOUNDATION FOR A RECRUITER.

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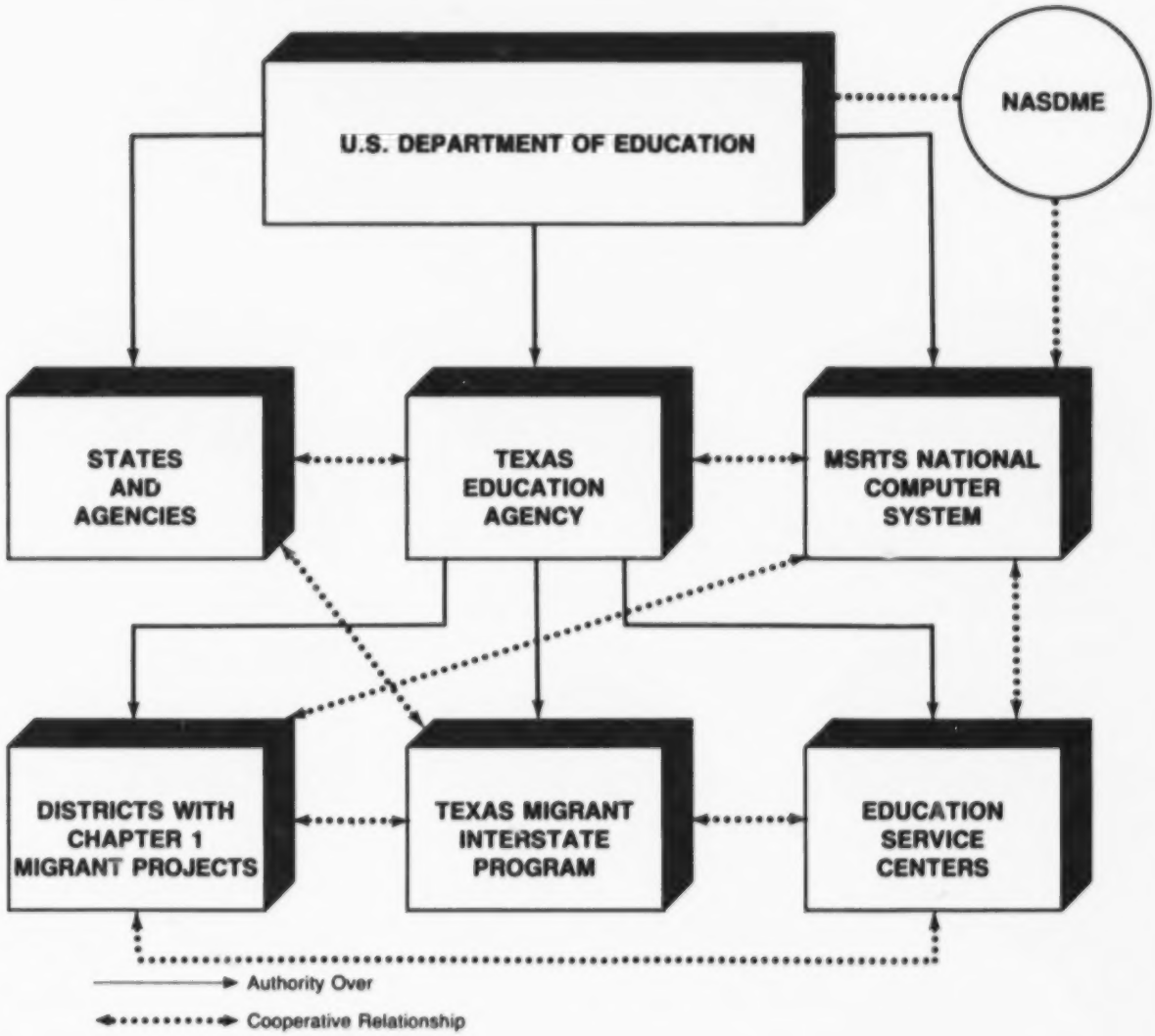
MIGRANT STUDENT RECORD TRANSFER SYSTEM (MSRTS)



THE MSRTS FUNCTION RELATIONSHIPS

Under Chapter 1 of the Elementary and Secondary Education Act of 1965, as amended, the U.S. Department of Education (USDE) has administrative authority to fund and monitor the migrant education program. The Department's authority extends to the Texas Education Agency, other states, and the MSRTS Center in Little Rock, Arkansas.

The Agency applies for and obtains federal funding for the State of Texas. The Agency establishes rules, regulations, and guidelines; sets performance criteria; and monitors the entities within the state.

The Agency evaluates districts, service centers, the Migrant Program Development Center in Kingsville, and the Texas Migrant Interstate Program in the Pharr-San Juan-Alamo Independent School District. Training and technical assistance are also provided to all of the above. A cooperative working relationship exists between the Agency and other states and agencies and the MSRTS Center. The relationship between the Agency and other states promotes the exchange of ideas which result in improvements in the MSRTS.

The MSRTS Center transmits data to and from all of the states and territories. The Center designs and maintains a computer system to transfer data between projects and to store it. Reports for use by the states and the USDE are prepared at the Center. The Center provides training and technical assistance and works cooperatively with school districts and service centers.

Districts with Chapter 1 Migrant Projects identify, recruit, and enroll students into the MSRTS system. This allows migrant students to be provided with academic and support services. Student records are used for planning purposes and kept current and available for audit purposes. Additionally, districts work cooperatively with education service centers, the Texas Migrant Interstate Program, the Migrant Program Development Center, and MSRTS.

Education service centers receive and screen data from school districts and forward it to the MSRTS Center in Little Rock, Arkansas. They identify and recruit students in cooperative project districts and in nonproject districts and store their data for audit purposes. The Centers provide technical assistance and staff development to districts and work cooperatively with the Texas Migrant Interstate Program and the Migrant Program Development Center.

The Texas Migrant Interstate Program provides technical assistance on secondary credit accrual to school districts and service centers. Other states and agencies exchange ideas with the Program staff.

QUALITY CONTROL IN PROJECT DISTRICTS AND COOPERATIVES

Identification and recruitment in project districts and in service center cooperatives must follow a very definite and continuous process:

- All initial entries on the COE **must be made by a recruiter who has received all of the required training.** The service centers will not accept COEs signed by recruiters who have not received all of the required training. The recruiter may be employed by the district or by the service center and may be a teacher, aide, clerk, etc., who has been assigned the task of locating migrant children and certifying their eligibility to receive migrant educational and other related services. All entries on the COE must be concise and understandable to those not familiar with the agricultural or fishing activity entry. After all entries are made on the COE, the recruiter must sign it, certifying the eligibility of the child named on it.
- The recruiter maintains a daily log of all work completed. (See forms in the Appendix.) The recruiter's supervisor periodically reviews the accuracy of the log entries.
- The school district superintendent or the designee reviews the initial entries made on the COE by the recruiter. He/she questions, corrects, and/or modifies and then certifies each COE by signing it.
- The COE is forwarded to the service center.

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- The service center enters, or corrects and enters, information into the MSRTS, does follow-up training for recruiters and others in migrant education, and deletes ineligible students.
- The service center provides third party verification and validation for accuracy, sufficiency, validity, and reliability by sampling COEs. (For sampling size, see page 67). Staff may examine school records and recruiter logs, review MSRTS records, interview employers, and/or re-interview parents.

QUALITY CONTROL IN SERVICE CENTERS

Internal controls and processes shall result in a quality control system at the service centers and between them and the Agency.

- Technical assistance will be requested by the school districts on difficult or novel cases prior to their sending COEs to the service center.
- Staff at the service center must log all incoming mail from school districts.
- There is a required two-day turnaround from the date of receipt by the service center.
- Data entry specialists must review all information prior to entry. (In service centers with large projects, specialists may be assigned specific school districts. Team work should be used when appropriate and necessary.)
- Incorrect information is to be returned to the district for correction(s) unless the information can be obtained by phone.
- Correct data, including partially correct data on forms being held for corrections, is to be entered by the data entry specialist.
- The computer adds a dimension to quality control by rejecting some incorrect entries.
- Data entry specialists stamp work with the date when it was done.
- Information, not previously entered on forms returned to districts for corrections, is to be recorded and entered when it is corrected and received.
- Data must be transmitted to Little Rock.
- Upon requests districts will receive MSRTS forms from Little Rock reflecting the information transmitted.
- Service centers are to issue monthly school district reports to the Agency.
- Monthly reports surface five percent (5%) error rate in accuracy, completeness, and timeliness.
- Five percent (5%) error rate requires a call or visit to the district by the service center to offer or provide technical assistance and/or additional training.
- Errors are compiled to form a base for retraining.

Note: Five percent (5%) error is computed based on the number of COEs with errors which are received at one time. One or more errors on one COE equal one error.

MONITORING

The *Implementation Guidelines for School District Required Migrant Student Record Transfer System (MSRTS) Component Activities,* 1988 (*Guidelines*) manual is the source for how all MSRTS requirements are to be met in Texas. Adherence to it and to this manual assures adherence to federal regulations and Agency policies. The *Guidelines* manual details the processes which may be followed to carry out the required MSRTS activities within the specific timelines for them. Most of the activities for identification and recruitment are found on pages 8-12. The chart on the following page depicts the processes described in the *Guidelines* manual. The requirements must be completed as charted without exception. The processes may be modified at the option of the individual districts.

Quality control in identification and recruitment is the responsibility of the Agency. The Agency is held responsible for assuring that each child enrolled is eligible to be counted and to receive services in the MEP. School districts must use procedures which ensure correctness in the identification and recruitment process. State monitoring of these procedures is required by the program regulations.

1989-90
SCHOOL DISTRICT REQUIRED MSRTS COMPONENT ACTIVITIES

Required MSRTS Activity	Affected Staff/Student (grade/age) Currently	Formerly	Deadlines/Time Requirements (working days)	Required Documents, Topics, Data & Comments
I. LEA MSRTS Inservice	All Migrant administrators and staff assigned Migrant activities		Before September 1 & as needed	Eligibility criteria; COE completion; LEA MSRTS Component; interview techniques; federal laws and Agency guidelines
II. Recruitment/MSRTS Enrollment				ACCURACY AND EFFECTIVENESS IS IMPORTANT!
A. Residency Verification/ Mass Enrollment	Previously Identified 0-21	Previously Identified 0-21	As soon as completed, no later than October 1	Verify continued residency using latest COE for all having eligibility during calendar year; verify Mass Enrollment report, submit to ESC.
B. New Qualifying Move/ Newly Identified	New LQM Newly Identified 0-21	New LQM Newly Identified 0-21	All year; recruit as many as possible by December 1. Submit COE 10 days after COE signature date	Complete new COE for enrollees and non-enrollees (through 21 years) to ensure identification of all students and drop-outs.
III. MSRTS Records Distribution	PK-12	PK-12	2 days after receipt	REVIEW FOR ACCURACY AND MEDICAL ALERTS BEFORE DISTRIBUTION
IV. Updating MSRTS Records				REQUIRED IF STUDENT IS ENROLLED 10 OR MORE SCHOOL DAYS
A. TEAMS	1-12th Grades		5 days after receipt	Report ALL objectives NOT mastered on latest results available, regardless of grade level
B. Secondary Credit				
1. Previous Year's Coursework	10-12		During first semester of enrollment	Required if still unreported, especially for newly identified currentlys.
2. Fall Sem. Coursework			March 1	Include designated high school of graduation, if unreported
3. Spring Sem. Schedule	7-12		March 1	Report with fall semester coursework, if possible and if schedule is probably not subject to further change.
4. Recommended Courses			April 30	If MSRTS Education Record shows any out-of-district/state school enrollment, required. If not, optional. Report for summer and/or fall semesters, at counselor's discretion.
5. Spring Sem. Grades			10 days after semester ends	If any spring courses are failed, adjust recommended summer and/or fall schedules accordingly.
6. Credit Consolidation	9-12		Upon enrollment or 10 days after withdrawal	Review of partial work on MSRTS Education Record required. Reporting consolidated credit is required if official credit for partial work is granted.
C. Special Education Contact Data	PK-12		April 30	Report only for students needing and/or receiving special education services.
D. Health	PK-12		January 31	Report TX required immunizations, screenings, any life-threatening conditions and Migrant-funded services.
E. Graduations (and other terminations)	Any Age	Any Age	10 days after notification	Report graduates, deaths, GEDS, dropouts, or non-migrants as per parental request.
V. MSRTS Withdrawal MASS Withdrawal				TIMELINESS IS IMPORTANT!
A. During School Year (Early Withdrawal)	PK-12	PK-12	2 days after withdrawal	Report all required health/educational updates along with withdrawal data to the ESC
B. End of School Year (Mass Withdrawal)	PK-6 7-12	PK-6 7-12	5 days after withdrawal 10 days after withdrawal	For currentlys, report any health/educational updates not already reported along with withdrawal date to the ESC.
VI. Eligibility Verification	Sample	Sample	December 1	Remove misidentified students from MSRTS by December 31.
VII. MSRTS Files	All	All	Filing Continuously	Active/inactive, currently/formerly, alphabetical. Keep 7 years from end of eligibility date.
VIII. MSRTS Logs	Staff assigned MSRTS		Maintained continuously	Document MSRTS Component activities.
IX. Summer School	PK-12	PK-12	10 days after withdrawal	Report all SH data for ALL students enrolled in Migrant and non-Migrant programs; report updates for currentlys only.
X. MSRTS Component Assessment	Designated Staff		Periodically	Review all required MSRTS activities for accuracy, completeness, timeliness.

DISTRICT SELF-MONITORING

One of the purposes for the Agency's monitoring the identification and recruitment activities is to determine the credibility of the information recorded on the COE. A critical self-examination of the COE will assist the school districts in their efforts to be error-free in recording that information which is vital to the accurate determination of child eligibility. It will also help the districts to prepare for a state or federal audit of the program. The best safeguard against eligibility audit exceptions is to follow the federal regulations and the guidance received from the Agency.

The district's self-monitoring is accomplished by the process described on pages 8-9 and 61-62. Each person who signs the COE provides a check of the contents. The recruiter must use all information available to make the initial eligibility decisions. Self-monitoring should be continuous yet less formal than service center, Agency, or federal monitoring.

The ultimate goal in monitoring is to improve the operation of the projects and maintain a high degree of accountability. In their self-monitoring operations, the districts may use the monitoring checklist developed by the Agency and sent to them 30 days prior to a regularly scheduled monitoring visit. The checklist is also available upon request.

AGENCY MONITORING OF SCHOOL DISTRICTS/CORRECTIVE ACTIONS

The primary purpose for conducting monitoring visits is to help districts verify their compliance with appropriate state and federal rules and regulations and to assist them in reaching compliance if they are not.

The Agency will schedule compliance monitoring visits to district projects on a routine basis once every five years. (Accreditation visits will be scheduled the year following a compliance visit and uncorrected discrepancies, which can cause a district's accreditation status to be lowered or removed, shall be cited.) During the compliance monitoring of a project, Agency personnel will visit the site(s) where records of the migratory children are maintained. District personnel will have a clear understanding ahead of time of what to expect of the Agency monitor(s). Specific criteria will be established in advance, and the monitoring form, mailed to the district 30 days prior to the visit, will clearly indicate the items and activities which are to be checked. The policies and procedures will be uniform so that district personnel will know what is to be reported, when the information is to be reported, who will be responsible for collecting and recording information on identification and recruitment, and what shall constitute complete and accurate data.

Because of the complex and technical nature of the identification and recruitment function, the monitoring of the activity will be systematic and detailed. The following shall be used to assure an effective monitoring visit:

- Administrative support for the monitoring function will be requested.
- On the first day of a monitoring visit, the administration will be told the purpose, procedures, and schedules of the visit.
- Staff, trained in the use of the monitoring instrument, procedures for on-site monitoring, and interpretation of data recorded on the COE, will conduct the monitoring.
- The monitoring instrument, with instructions, will be based on Agency criteria. It will list all com-

pliance areas that are to be monitored, authority references, probes, questions and documentation to be reviewed, and documents that will be collected.

Staff shall use the standard comprehensive compliance monitoring instrument used to monitor the Compensatory, Bilingual, ESL, and Migrant Programs. Items to deal specifically with migrant identification and recruitment shall be included in the instrument.

The monitors will examine training of migrant personnel which shall have included recruiters and may have included others, such as administrators, clerks, counselors, and teachers. Required documentation on training topics, dealing with eligibility criteria, the COE, MSRTS component, interview techniques, federal law, regulations, and Agency guidelines will be reviewed. Adherence to required initial training prior to September 1 will be noted.

School district recruitment procedures will be expected to have been appropriate and to have resulted in the enrollment in the MSRTS by December 1 of all qualified migrant children (enrollees and nonenrollees) with a residency date prior to December 1.

Monitors will review the district's MSRTS Daily Log(s). (See log forms in Appendix.)

Withdrawals shall have occurred within two working days for currently or formerly migrant students. Termination records will be reviewed to determine timely activity.

Staff will examine a minimum of 50 COEs (or 10 percent of the total, if there are fewer than 500 migrant students) for signatures, qualified moves, and completeness.

The files will be reviewed to see if they have been maintained as follows: active/inactive, currently/formerly, and alphabetically by last name/by student.

- The monitors will analyze and summarize the findings of the monitoring visit.
- A determination of the error rate will be made.
- A formal comprehensive written report to the district shall include:
  - a summary of the findings;
  - required corrective actions, recommended actions, and timelines, usually within 60 days, for the district to respond in writing to the Agency; and
  - commendations in support of outstanding practices.

Note: Depending on the gravity of the error rate in excess of five percent (5%), the Agency may mandate additional training and assign recruiters to validate all migrant students on file.

SERVICE CENTER MONITORING OF SCHOOL DISTRICTS/CORRECTIVE ACTIONS

Oversight of school district identification and recruitment processes carried out by service center staff shall begin with the training program. Recruiters must attend the required training. New and veteran recruiters shall receive training commensurate with their level of knowledge.

When the COE(s) is forwarded to the service center, a quality check occurs. When necessary, the staff must correct information by telephone or by requesting written corrections. When a five percent

error rate of accuracy, timeliness, and completeness is reached by a district, the service center must offer technical assistance by phone, on-site, and/or by conducting follow-up training for the district staff requiring it.

Additionally, service center staff members are to conduct annual eligibility verifications for accuracy and completeness. If problems surface, other information, such as school records, is to be looked at. The eligibility verification process is explained on page 34 of the *Guidelines* manual and in this section of this manual. The process must be carefully followed by the staff. All documentation must be kept on file and made available to auditors. Charts for completion of verifications and validations are found in the Appendix.

The purpose of the eligibility verification process conducted annually by December 1 by the fiscal agent is to ensure that only eligible currently and formerly migrant children are enrolled into the MSRTS. In independent project districts, the service center will provide assistance. The service center is legally responsible for conducting the process in cooperative member and nonproject districts because it is the fiscal agent.

The process requires the careful and systematic review of COEs to determine the accuracy and completeness of recorded information and to ensure the specificity and legitimacy of the last qualifying move dates and qualifying agricultural or fishing activity. Evidence of potential discrepancies requires a look at other sources and, as a last resort, a follow-up eligibility validation visit by the recruiter with the parent/guardian.

The following procedures describe the steps to be taken in the eligibility verification process:

- At the beginning of the school year, the district will be contacted by service center staff to jointly determine a verification schedule to conduct the review process.
- Once the schedule has been determined, the service center and the district together will randomly select a sample of students whose COEs are to be verified. Those eligible to be included in the student sample must be:
  - all currently identified to date and
  - all formerlys identified to date whose eligibility has not been verified or validated within the past five years

The table below indicates the sample size based on the total number of eligible students:

All children in the migrant program in a school district will be listed alphabetically. Names will be pulled for the sample based on the sample size in this manner. Ex. If the total number of children to be verified equals 1000, that number will be divided by 80, the sample size, and the quotient (12) will be used. Every twelfth name will be pulled until 80 are pulled.

Number of Children Eligible for Verification	Number of Children in Sample
10 or less	All
11 - 99	10
100 - 499	30
500 - 999	50
1,000 - 2,499	80
2,500 - 4,999	90
5,000 or more	100

It is possible for more than one child in a family to be selected in a random sample; however, it is unlikely that a random sample will include many children from the same family unless the district has a very small eligible population. Siblings of a child selected in the sample must not be counted as part of the sample unless they were randomly selected.

- The COE for each student in the sample shall be carefully reviewed by knowledgeable representatives from both the service center and the district. The following questions should be answered through the review process:
  - Is every space on the COE completed, including the signatures of the parent/guardian and superintendent (or designee)?
  - Is the qualifying activity specifically described? Is it a temporary or seasonal type of employment related to fishing or agriculture?
  - Is the date of the last qualifying move before or the same as the date of arrival in the district (residency date)?
- If any apparent discrepancies exist in any of the COEs, the recruiter is asked to look at other sources, such as school records. Follow-up validation visits must be made by the recruiter if other sources do not provide the information needed. If the verification process results in an error rate of five percent or more, an additional sample, equal in size to the first, must be examined. If the error rate continues to be five percent or more, all COEs must be verified.
- Once the review process is complete, the district shall document and retain on file the following:
  - A completed "Summary of Eligibility Verifications" (See Appendix);
  - Copies or a list of COEs verified;
  - If applicable, copies of the completed "Parent/Guardian Questionnaire" (See Appendix);
  - If applicable, a completed "Summary of Eligibility Validations" (See Appendix);
  - If applicable, copies of any COEs validated; and
  - If applicable, copies of any district correspondence to the service center requesting the deletion of ineligible children from the MSRTS.

Validation is required and, only as a last resort after all other credible sources checked do not yield the necessary information, the recruiter who signed a COE in question or another recruiter should be contacted to validate (reinterview). The following procedures describe the steps to be taken in the eligibility validation process:

- The fiscal agent will determine a schedule for conducting visits with the parents/guardians of children whose COEs contain questionable data (as determined through the eligibility verification process).
- Appointments with the migrant parents/guardians to be visited shall be scheduled by the fiscal agent.
- A fiscal agent recruiter shall conduct the validation interview. It may be conducted at the home of the parent/guardian or at a location that is mutually agreeable (e.g., the child's school). The privacy of the interview shall be safeguarded and the congregating of groups shall be avoided.
- During the interview with the parent/guardian, the "Parent/Guardian Questionnaire" (See Appendix) shall be completed. When possible, the person who signed the most recent COE should be interviewed. If not, someone knowledgeable about the information must be interviewed.
- If it appears, as a result of the interview, that the information recorded on the COE was not obtained from a credible source, a new COE must be completed to verify the eligibility of the child.

- If the child is found to be ineligible, he/she must be deleted from the MSRTS. (When reported to the Agency, the "Misidentified Student Notification Form" will be submitted to Little Rock.) (See Appendix) The parent must be told by the recruiter that the child is ineligible.
- After all validation interviews are completed, the following documentation shall be on file at the district for the previous school year, as well as for the current school year:
  - A completed "Summary of Eligibility Validations" (See Appendix).
  - Copies of the completed "Parent/Guardian Questionnaire" (See Appendix).
  - Copies of the COEs validated.
  - Copies of any school district correspondence to the service center requesting the MSRTS deletion of any children who, through the validation process, were determined to have been misidentified.

The same validation procedures stated above for project districts apply to cooperative member districts, except that service center staff assume the responsibility stated for the district.

AGENCY MONITORING OF SERVICE CENTERS/CORRECTIVE ACTIONS

Twenty education service centers are located throughout the state and each has the responsibility to serve the geographical area assigned to it. Each area includes a number of school districts in need of assistance on a variety of educational matters. One of these affects the migrant student population within the service center area.

The Agency has the responsibility to monitor the service centers for compliance in all fiscal and program matters. To accomplish this, the Agency must schedule a compliance review by a team of monitors for each service center every two years.

During on-site visits, monitors will use an approved monitoring instrument which shall include: (1) all compliance areas to be monitored; (2) authority references; (3) instructions (probes, questions to be asked, staff to be interviewed, and documentation to be reviewed); (4) documentation to be collected; and (5) audit exceptions found in any area.

A formal comprehensive report to the service center shall be sent within 30 days of the visit and must include:

- A summary of the discrepancies (violations) and areas of concern
- Authority references
- Required corrective actions with recommendations and timeliness of 60 days from date of receipt

Every monitoring session shall include the following probes, each of which must be verifiable or must be listed as an exception to be included in the corrective requirements.

Probe #1—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, health updates, and withdrawal updates by previewing enrollment, update, and withdrawal information for accuracy, completeness, and timeliness?

Probe #2—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, health updates, and withdrawal updates by assigning a service center staff member responsibility for receiving and previewing incoming information by: maintaining a daily log identifying each school district, number and type of forms received, and number and type of forms returned to districts; affixing the date when each form was received by the service center; forwarding forms to the chief consultant/coordinator for appropriate action; compiling a weekly summary of incoming data by individual district; and submitting weekly summary data to the chief consultant/coordinator (or other designated person) for review?

Probe #3—
Has the service center reviewed, documented, and summarized the accuracy, completenss, and timeliness of MSRTS enrollments, education updates, health updates, and withdrawal updates by ensuring that the service center chief migrant consultant/coordinator reviews the data summary?

Probe #4—
Has the service center reviewed, documented, and summarized the accuracy, completeness, and timeliness of MSRTS enrollments, education updates, and withdrawal updates by compiling a summary of the incoming data from the prior month for each district, including the number of enrollments for currently and formerly migratory students, the number of educational updates, the number of health updates, the number of withdrawals for currently and formerly migratory students, and the number and type of forms returned?

Probe #5—
Has the service center identified school districts having more than a five percent error in their monthly MSRTS reports, in that the data is incomplete, inaccurate, and/or not delivered in a timely manner?

Probe #6—
Has the service center maintained written documentation to verify that school districts have been notified and offered technical assistance when there exists more than a five percent error in monthly MSRTS records by ensuring that the service center chief migrant consultant/coordinator has made direct contact with districts to determine the type of assistance needed?

Note: If the total data items in any category equal less than 80, four or more errors in any category would constitute a discrepancy. If the total data items are 80 or more, a discrepancy would exist if more than five percent of the items were not accurate, complete, or timely. Categories are COEs, Secondary Credit Accrual, Health Records, etc. If, for example, 4 COEs (data items) have one or more errors on each, each COE is one discrepancy and 4 COEs would constitute a discrepancy if there were a total of less than 80.

Probe #7—
Has the service center maintained written documentation to verify that school districts have been notified and offered technical assistance when there exists more than a five percent error in monthly MSRTS records by ensuring that the service center chief migrant consultant/coordinator has scheduled workshops or on-site visits regarding MSRTS issues as a result of problem areas encountered?

Probe #8—
Has the service center transmitted MSRTS data received within two days of its receipt from school districts?

Probe #9—
Have the service center's MEP data entry specialists performed the following functions as required:

- Typed transactions,
- Resolved reported errors,
- Affixed dates of completed transmittals, and
- Filed completed transactions for each child?

Probe #10—
Has the service center maintained complete and auditable files for nonproject and cooperative member districts?

Probe #11—
Has the service center maintained files of incoming COEs and MSRTS data for project districts in accordance with federal laws and Agency guidelines (i.e., maintained for current and previous year)?

Probe #12—
Has the service center assisted project school districts in the verification of the accuracy of COEs in accordance with the following table?

Number of Children Eligible for Verification	Number of Children in Sample
10 or less	All
11 - 99	10
100 - 499	30
500 - 999	50
1,000 - 2,499	80
2,500 - 4,999	90
5,000 or more	100

Probe #13—
Has the service center verified accuracy of COEs in nonproject and cooperative schools?

Probe #14—
Has the recruiter conducted validation visits, if applicable?

Probe #15—
Has the service center provided training on required topics, including procedures for verification of COEs, eligibility requirements, definitions, identification and recruitment procedures, and MSRTS procedures, prior to September 1?

Probe #16—
Has the service center identified and recruited all eligible migrant children residing in nonproject districts? If not, which of the nonproject districts is recruitment being conducted in? Which districts that have eligible children are not conducting recruitment?

Probe #17—
Has the service center assessed on an on-going basis the effectiveness of the MSRTS component and, if so, how was the data analyzed?

AUDITABLE FILES

PROJECT DISTRICT FILES

Fiscal agents must maintain auditable files for the required periods of time. In project districts, an active file must be maintained by the district for every migrant child identified for the current school year. The file shall include the original of the COE and a copy of each of the most current MSRTS educational and health records. Additionally, an inactive file must be kept for each child identified in a previous year. The file shall include the original of the COE and must be retained for seven years from the child's end of eligibility date.

COOPERATIVE PROJECT DISTRICT FILES

In cooperative member districts, an active file must be maintained by the district for every migrant child identified for the current school year. The file shall include the yellow copy or a photocopy of the COE and a copy of each of the most current MSRTS educational and health records. An inactive file must also be kept for each child identified in a previous year. The file shall include the yellow copy or a photocopy of the COE and must be retained for seven years from the child's end of eligibility date.

SERVICE CENTER FILES

COOPERATIVE FISCAL AGENT FILES

As a cooperative fiscal agent, the service center must maintain an active file for every migrant child identified for the current school year. The file shall include the original of the COE. An inactive file must also be kept for each child identified in a previous year. The file shall include the original COE and must be retained for seven years from the child's end of eligibility date.

NONPROJECT DISTRICT FILES

In nonproject districts, an active file must be maintained by the service center for every migrant child identified for the current school year. The file shall include the original COE. An inactive file must be kept for each child identified in a previous year. The file shall include the original of the COE and must be retained for seven years from the child's end of eligibility date.

PROJECT DISTRICT FILES

For project districts, the service center must maintain an active file for every migrant child identified for the current school year. The file shall include the yellow copy of the COE. An inactive file must also be kept for each child identified in a previous year. The file shall include the yellow copy of the COE and must be retained for seven years from the child's end of eligibility date.

Note: Beyond the seven years, if an agency is being audited, the records must be kept until the audit is resolved even if the seven years have lapsed.

EO

OTHER REQUIREMENTS

All active files must be alphabetized by each individual student's last name and kept in separate sections for currently and formerlys.

Copies of forms, other than COEs, must be on file until receipt of notification that the data are accurately reflected on the MSRTS records.

The fiscal agent must ensure that the MSRTS daily log (or some facsimile) reflects the date when data were submitted to the service center.

MSRTS files must be centrally located within the district or service center. All other documents, including the superintendent's letter listing trained designees, MSRTS mass enrollment reports, withdrawal reports, daily logs, etc., are to be filed and available for review for the current school year and the previous school year.

Project districts may change to nonproject districts, or vice versa, from year to year. A district may withdraw as a cooperative in any given year. The fiscal agent is required by law to retain all auditable files for the time periods during which it was the fiscal agent, even if the fiscal agent status changes. When a service center becomes the fiscal agent, files generated by a district in prior years must be retained by that district according to the "inactive file" requirements.

APPENDIX

REGULATIONS

The *Federal Register* is a legal document published by the U.S. Department of Education. The last one published on April 30, 1985 is in the process of being revised.

Each school district should have a copy of the most current *Federal Register(s)*. When reference to one becomes necessary, the director or supervisor of the local migrant program should be able to obtain a copy from the district's central office, the federal program's office, the service center, or by requesting one from the Office of Migrant Education, 400 Maryland Avenue S.W., Room 2145, Washington, DC, 20202.

The most frequently referred to sections by recruiters are those that contain definitions on pages 18410 and 18413 (1985). These pages have been included in this manual for quick reference.

federal register

Tuesday
April 30, 1985

Part VIII

Department of Education

Office of Elementary and Secondary Education

34 CFR Parts 200, 201, 203, and 204

Migratory Children and Neglected or Delinquent Children in Institutions, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements; Financial Assistance to State Educational Agencies; Final Rule

Subpart A—Applying for Chapter 1 Migrant Education Program Funds

General

§ 201.1 Purpose.

The migrant education program, authorized by Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) (Chapter 1), is designed to—

(a) Provide financial assistance to State educational agencies (SEAs) to establish or improve programs of education designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers; and

(b) Enable these SEAs to coordinate their migrant education programs and local migrant education projects with similar programs and projects in other States, including the transfer of school records and other information about eligible migratory children.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 552, 20 U.S.C. 3801; Title I, Secs. 141–142, 20 U.S.C. 2761–2762)

§ 201.2 Applicable regulations.

The regulations in this part, 34 CFR Part 204, and 34 CFR 74.62 apply to migrant education programs and projects for which the Secretary provides financial assistance under Chapter 1 pursuant to the formula contained in Section 141 of Title I of Elementary and Secondary Education Act of 1965, as amended (Title I). Regulations for interstate and intrastate coordination program grants are contained in 34 CFR Part 205.

(Secs. 552–558, 20 U.S.C. 3801–3807)

§ 201.3 Definitions for this program.

(a) The definitions in 34 CFR 204.2 apply to the programs and projects covered by this part.

(b) In addition to the definitions referred to in paragraph (a) of this section, the following definitions apply to this Part:

"Agricultural activity" means—

(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(2) Any activity directly related to the cultivation or harvesting of trees; or

(3) Any activity directly related to fish farms.

"Currently migratory child" means a child—

(1) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(2) Who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity. This definition also includes children of migratory fishermen, if those children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity.

"Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

"Formerly migratory child" means a child who—

(1) Was eligible to be counted and served as a currently migratory child within the past five years, but is not now a currently migratory child;

(2) Resides in the area served by the agency carrying out a Chapter 1 migrant education program or project; and

(3) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

"Guardian" means a person who—

(1) Has been appointed to be the legal guardian of a child through formal proceedings in accordance with State law;

(2) An SEA determines would be appointed to be the legal guardian of a child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(3) Is standing in the place of a parent to a child.

"Migratory agricultural worker" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

"Migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child" described in this section.

"Migratory fisher" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in a fishing activity.

"Operating agency" means—

(1) A local educational agency (LEA) to which an SEA makes a subgrant of migrant education program funds;

(2) A public or nonprofit private agency with which an SEA or the Secretary makes an arrangement to carry out a migrant education project; or

(3) An SEA, if the SEA operates the State's migrant education program or projects directly.

(Secs. 552–558, 20 U.S.C. 3801–3807; Title I, Sec. 142(b), 20 U.S.C. 2762(b))

§§ 201.4–201.9 [Reserved]

Applying for a State Grant

§ 201.10 Eligibility of an SEA to participate as a grantee.

(a) An SEA may apply to the Secretary for a grant to operate a State migrant education program directly, through subgrants to LEAs, or through arrangements with public or nonprofit private agencies.

(b) Two or more SEAs may apply jointly for a grant to support a migrant education program that benefits eligible migratory children in those States.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141(a), 20 U.S.C. 2761(a))

§ 201.11 Documents an SEA must submit to receive a grant.

(a) *SEA assurances.* An SEA that wishes to receive Chapter 1 migrant education program funds under this Part shall have on file with the Secretary assurances that—

(1) Meet the requirements in Section 435(b) (2) and (5) of the General Education Provisions Act (GEPA) as they relate to fiscal control and fund accounting procedures;

(2) Meet the requirements of Section 142(a)(5) of Title I regarding when preschool children may be served; and

(3) Have been properly submitted to the Secretary by the SEA.

(b) *SEA application.* To receive a Chapter 1 migrant education program grant, an SEA shall submit to the Secretary an application to cover a period of not more than three fiscal years, including the first fiscal year for which a grant is made under that application. During subsequent years, the SEA's application must incorporate any updating reports required by § 201.12(b) to assure that the State's program and projects annually comply with the Chapter 1 requirements. The application must be specific and contain

migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of the program; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) *Availability of funds.* The Secretary may use all or part of the total amount of the Chapter 1 migrant education program grant available to the affected SEA—under §§ 201.20 and 201.21—to make one or more special arrangements.

(c) *Notice to the SEA.* The Secretary does not make a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(d) *Obligations of the operating agency.* If the Secretary makes a special arrangement for services through a public or nonprofit private agency, that operating agency shall administer its project in a manner consistent with an SEA's obligations under the regulations in this part.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142(c), 20 U.S.C. 2762(c))

§ 201.25 Amount of a subgrant to an LEA.

An SEA shall determine the amount of a subgrant to an LEA or other agency based on—

(a) The number of children to be served;

(b) The nature, scope, and cost of the proposed project; and

(c) Any other relevant criteria developed by the SEA consistent with the provisions of § 201.31, including the SEA's priorities concerning ages and grade levels of children to be served, areas of the State to be served, and types of services to be provided.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Secs. 141–142, 20 U.S.C. 2761–2762)

§§ 201.26–201.29 [Reserved]

Subpart C—Project Requirements

§ 201.30 Eligibility of a child to participate.

(a) A child may not be counted under § 201.20, or be provided with Chapter 1 migrant education program services, until an SEA or its operating agency has—

(1) Determined that the child is either a currently or formerly migratory child as defined under § 201.3; and

(2) Indicated in writing how the child's eligibility was determined.

(b) In determining the eligibility of a child, an SEA and its operating agency may seek and obtain credible information from any source, including that provided by the child or his or her parent or guardian. Neither the SEA nor its operating agency is required to obtain documentary proof of either the child's eligibility or civil status from the child or his or her parent or guardian. However, the SEA and its operating agency are responsible for implementing procedures that ensure the correctness of the information on which the SEA or the operating agency relies.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141–142, 20 U.S.C. 2761–2762)

(Approved by the Office of Management and Budget under control number 1810–0520.)

§ 201.31 Service priorities.

(a) An SEA and its operating agencies shall serve eligible migratory children—according to their needs—in the following order:

(1) School-aged currently migratory children.

(2) School-aged formerly migratory children.

(3) Preschool currently migratory children.

(4) Preschool formerly migratory children.

(b) If in order to provide Chapter 1 instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than Chapter 1 funds—are available for that purpose, an SEA or an operating agency may provide Chapter 1 instructional services instead of day care services to those preschool children as if those children had a priority higher than school-aged formerly migratory children.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142 (a) and (b), 20 U.S.C. 2762 (a) and (b))

§ 201.32 Annual needs assessment.

An SEA and its operating agencies that receive Chapter 1 migrant education program funds shall base their Chapter 1 migrant education program and projects on an annual assessment of educational needs that—

(a) Identifies migratory children who are eligible to be served under § 201.20(a);

(b) Requires, consistent with the service priorities in § 201.31, the selection of those migratory children in the greatest need of special assistance; and

(c) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

(Sec. 555, 20 U.S.C. 3804; Sec. 556(b)(2), 20 U.S.C. 3805(b)(2); Title I, Sec. 142(a), 20 U.S.C. 2762(a))

§ 201.33 Special allowable costs for migrant programs.

In addition to the allowable costs for all Chapter 1 programs described in 34 CFR Part 204, the SEA may use funds available under § 201.20 (amount available for an SEA grant) to pay for necessary administrative functions that are unique to the State's Chapter 1 migrant education program as long as those functions resulted from the SEA's dual role of administering the program and providing program services.

(Sec. 544(a), 20 U.S.C. 3803(a); Sec. 555(c), 20 U.S.C. 3804(c); Sec. 556(b)(2), 20 U.S.C. 3805(b)(2); Sec. 556(b)(3), 20 U.S.C. 3805(b)(3); Title I, Sec. 141, 20 U.S.C. 2761)

§ 201.34 Coordination with other migrant programs and projects.

An SEA and its operating agencies shall plan and operate the activities described in their applications in coordination with migrant programs and projects of other groups or agencies that provide services to migrants in the area served by the SEA and its operating agencies, including migrant and seasonal farmworker projects administered under Section 402 of the Job Training Partnership Act of 1982 and under the Community Services Block Grant Act of 1981.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142, 20 U.S.C. 2762; 29 U.S.C. 1592; 45 U.S.C. 9912)

§ 201.35 Requirements for parent involvement.

(a) *General.* An agency that receives Chapter 1 funds shall design and implement its Chapter 1 program or projects in consultation with teachers of children being served and in consultation with the parents of the children being served.

(b) *Requirements for an operating agency advisory council.* An SEA shall require each operating agency to—

(1) Establish and consult with a parent advisory council; and

(2) Solicit actively parental involvement in the planning, operation, and evaluation of its projects.

(c) *Requirements for the State advisory council.* An SEA shall—

(1) Establish and consult with a parent advisory council; and

(2) Solicit actively parental involvement in the planning, operation, and evaluation of the State's migrant education program.

(d) *Advisory council procedures.* The SEA is responsible for ensuring that appropriate procedures are devised and made available to the State's migrant parents for establishment of and consultation with State and local parent

NONREGULATORY GUIDANCE PARTS 6 AND 8

Nonregulatory Guidance (NRG) is prepared by the Assistant Secretary for Elementary and Secondary Education with input from state directors and other interested parties.

In keeping with the commitment by the Assistant Secretary to periodically update and expand guidance as necessary, Parts 6 and 8 of the March 26, 1986 NRG have been replaced by this update.

NRG is binding on the U.S. Department of Education. It is nonregulatory; therefore, not binding on the states. Local school districts and service centers in Texas are bound by this NRG only in those areas that are required by the Texas Education Agency. During training, trainees will be advised of the specifics in the NRG which are binding based on Agency administrative policy.

PART 6

IDENTIFICATION AND RECRUITMENT

Statutory Requirements

Sections 1201 and 1202 of Chapter 1 of Title I of P.L. 100-297, superseding Section 554(a) of Chapter 1, ECIA, and Sections 141 and 142 of Title I, ESEA.

Regulatory Requirements

Sections 201.3, 201.20, 201.21, and 201.30 of the Chapter 1, ECIA, regulations (to be superseded by regulations implementing P.L. 100-297).

Purpose

The purpose of Part 6 is to clarify the roles of identification and recruitment as two separate but interrelated activities and SEA responsibilities. In addition, it provides guidance to State directors and recruiters to assist them in the planning and implementing of effective and efficient identification and recruitment procedures.

Introduction

The State educational agency (SEA) is responsible for the identification and recruitment of all eligible migratory children in the State. **Identification** means determining the presence and location of migratory children. **Recruitment** means securing necessary information about these children, documenting the basis of the child's eligibility, and enrolling the eligible child in the Migrant Student Record Transfer System (MSRTS). Securing the information is usually, but not necessarily, done through an interview of the child's parent or guardian.

Each SEA's migrant education program funding is dependent, in part, upon both its own count of the full time equivalent number of eligible migrant children residing within its boundaries and similar counts in each of the other States. Therefore, the annual count of a State's migratory children must be as accurate as possible.

Moreover, the SEA's careful identification and recruitment of the State's eligible migratory children is also pivotal to the SEA's proper implementation of other statutory duties it assumes as a condition to its receipt of program funding.

These duties are:

a) determining the areas where migrant families may reside;

b) determining areas of the State to be served;

c) overseeing the State's and LEA's annual needs assessments;

d) including those migratory children who will be served because of their relative educational need;

e) determining the types of services that are most responsive to the special educational needs of the State's migratory children; and

f) evaluating its programs and projects.

Consequently, program regulations clearly indicate that the SEA and its operating agencies are responsible for implementing procedures that ensure the correctness of the information on which (they) rely in determining a child to be a migratory child for purposes of the migrant education program. The SEA can meet this responsibility if it:

a) undertakes reasonable steps to implement a formal process to ensure the reasonable accuracy of written eligibility information, and

b) adequately trains and guides recruiters in practical, uncomplicated ways to implement the migrant education program's eligibility process.

1. The SEA's responsibility to implement a process to locate all migratory children and to ensure the correctness of written eligibility information

As previously stated, identification is the process the SEA establishes for locating migratory children throughout the State. There are a number of methods by which the SEA can meet the statutory and regulatory requirements for identifying all of the migratory children of the State. The following are recommendations by which the SEA can meet its mandate and develop training programs for its recruiters:

[Steps]

1. Identify and map where the agricultural and/or fishing areas are located throughout the State.
2. Obtain and maintain current agricultural and fishing activity information and determine where within those areas there are high incidences of migratory labor activity and peak employment periods.
3. Locate and maintain a current listing of migrant housing (camps) in the area.
4. Determine what resources, personnel and financial, are necessary for onsite verification of the information gathered in steps 1 and 3 and begin the recruitment process.

Steps 1 and 3, initially, can be accomplished through telephone contacts with school districts, State and field farm and fishing labor offices, growers, other agencies in the State serving migratory labor populations, etc. The initial canvas of the whole State need not be an annual activity. Spot-checks in subsequent years for changes in the industry and related fluctuations of the demand for migratory workers would suffice, unless some unusual circumstance, such as a drought, would predict otherwise.

Recruitment consists of three elements that are closely linked. These elements are:

a) the definitions governing migrant program eligibility,

b) the process recruiters use to translate those definitions to accurate and well recorded eligibility determinations, and

c) the process the SEA plans and implements to ensure the quality of recruiters' decisions. Indeed, viewed in this light, identification and recruitment is itself a **process** that each SEA must oversee. The accuracy of each eligibility decision is important.

The recruiter's job is to interpret and record these facts in such a way that the eligibility of the child is determined in accordance with the basic definitions. The information should be sufficient and specific enough to be understood by a knowledgeable independent reviewer. The reviewer should also be able to ascertain that the statewide process has been followed.

The recruiter then has the important task of recording accurately and clearly on a certificate of eligibility the information that establishes that each child considered to be migratory meets each element of the regulatory definition. The recruiter makes the eligibility determination on the basis of Federal policies implemented by procedures that the SEA establishes in the statewide process for assuring the reasonableness of eligibility determinations. However, if an SEA establishes a process of quality identification and recruitment, then its programmatic responsibilities in this regard can be measured against the ways it has implemented, monitored, and improved this process. Monitoring is then based upon its recruitment rather than against the correctness of every single child's eligibility determination that recruiters may make on the SEA's behalf.

a. **The "quality control" components of an SEA's system of recruitment**

The eligibility criteria are addressed in Part 8 of this Non-Regulatory Guidance (NRG). The essential elements of a formal written process the SEA should follow in recruitment are:

1) establish a training program for recruiters on:

   a) eligibility definitions (*see* Part 8 of the NRG) and appropriate ways to determine a child's eligibility according to those definitions,

   b) detailing on the Certificate of Eligibility (COE) the reasons for determining, in certain specified problematic areas, that children are migratory,

   c) use SEA studies, if available, of its State's agricultural and fishing industries to guide recruiters in determining whether a worker's employment may be in a temporary or seasonal agricultural or fishing activity,

   d) the decision process to be used by recruiters, consistent with Federal definitions and adopted SEA procedures, in finding a particular child to be eligible.

2) establish a formal process for resolving eligibility problems that recruiters find and transmitting, in written form, its response statewide.

3) establish an SEA annual ongoing review process of completed COEs which should include:

   a) a method of statistical random sampling of COEs throughout the State for sufficiency of documentation,

   b) a method for determining, on a statewide basis, the error rate occurring,

   c) a monitoring plan of the identification and recruitment practices and procedures used by recruiters.

4) documentation of the SEA's intervention in addressing any problems uncovered as a result of these sampling techniques or about which it otherwise becomes aware, and

5) documentation that shows the SEA's implementation of this process to Federal, State, and program review representatives and other authorized parties.

b. **The benefits the SEA will receive from its implementation of these procedures**

Implementation of these procedures will also have three significant benefits. First, it will clarify that the SEA has adhered to its programmatic responsibilities to implement a quality system for identification and recruitment.

Secondly, it will support a system of identification and recruitment that, to the maximum extent possible, relies on the location and the reasonableness of the decision-making process local recruiters use when they make eligibility determinations.

Finally, because the SEA will have documentation to support its implementation of these procedures, their use will minimize the need for anyone to reinterview individual parents or children and allow the SEA to determine whether it is staying within the five percent error rate. The five percent error rate is a measurement of what is considered an acceptable range of error when SEAs report information on the eligible migratory children, if and when the SEAs are audited.

The SEA has met its responsibilities if it formally adopts these procedures, adheres to the process, and ensures that both the count of the SEA's migratory children the MSRTS furnishes annually to the Department, and the information on which the SEA and its operating agencies rely are accurate.

2. **The need for recruiters, in specified situations, to detail the reasoning in their eligibility determinations**

In any effort to shift the focus from the accuracy of each eligibility decision to the SEA's implementation of a process, it is important to ensure the process and the recruiter's use of a COE to explain the reasons for determining a child to be eligible. The SEA may accept a recruiter's determination so long as the reasoning is clear and consistent with established State procedures.

In most cases, the COE may be used without the need for the recruiter to indicate much more than the standard information that is called for on the form. In the case of any migrant family, who moves long distances to perform seasonal agricultural work before returning home, the COE may speak for itself. However, in certain cases, because the basic facts do not clearly establish the child's eligibility, it may require additional elaboration on why a particular child is migratory.

The model COE will include a comment section. In certain unusual circumstances, such as the following, the recruiter would use this section to clarify the reasons for his or her eligibility determination so that anyone who later reviews the form understands why the recruiter found the child to be eligible:

a. where a "move" is of brief duration;

b. where a "move" involves such a short distance as to be questioned as a migration;

c. where the worker did not obtain qualifying employment as a result of the move;

d. where the worker's "activity" specified on the COE could logically be part of a "series of activities" that would constitute permanent employment (e.g., mending fences and haying could be two parts of permanent ranching with one employer);

e. where the worker's specified "activity" could be viewed by an independent reviewer as either temporary or permanent employment (e.g., collection of eggs or milking cows);

f. where the worker's activity is temporary but appears to be permanent work;

g. where an SEA survey is on file and is referenced to validate the determination;

h. where a family member provides supportive information toward the eligibility determination;

i. where the agricultural or fishing activity is of a nature that a reviewer not familiar with the situation would not understand it to be qualifying; and

j. where an agricultural or fishing activity is determined to be the principal means of personal subsistence* rather than as temporary or seasonal employment.

When any of these situations arise, the recruiter's reasoning need not be expressed at length. Because the emphasis of recruitment is now the reasonableness of the process for determining eligibility, the additional information simply must be in a form that will clarify, for one who reviews the COE, the circumstances in these situations that led the recruiter to believe that the child was eligible.

The recruiter's reasoning may be stated in any way that the SEA specifies and, if not written on the COE itself, should be provided on a separate piece of paper that will become a part of the COE.

PART 8

CHAPTER 1 MIGRANT EDUCATION PROGRAM ELIGIBILITY CRITERIA

Statutory Requirements

Sections 1201 and 1202 of Chapter 1 of Title I of P.L. 100-297 [the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (H.R. 5) (Chapter 1)], supersedes Section 554(a) of Chapter 1, ECIA and Sections 141(a) and 142(a)(5) of Title I, ESEA.

Regulatory Requirements

Sections 201.3 and 201.30 of the Chapter 1, ECIA regulations (to be superseded by regulations implementing P.L. 100-297).

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*"personal subsistence" includes both the worker's and family's direct personal consumption and incidental sale of the agricultural or fishing products. The consumption and incidental sale of the products constitutes the family's "principal means" of subsistence.

"Initial commercial sale" is the direct selling of the agricultural or fishing products, either produced or processed, and becomes a part of the worker's (and family's) "personal subsistence".

Production and processing are two separate but qualifying activities. In some instances both activities can take place at one site. In other instances, production takes place at one site, and then the product is turned over (sold) to a processor for refinement and sold to retailers and/or wholesalers.

Introduction

A child's eligibility for the migrant education program (both for purposes of his or her eligibility to receive program services, and an SEA's allocation of Chapter 1 migrant education funds) depends upon the child's meeting specific criteria and being appropriately documented as migratory, within the meaning of Sections 201.3 and 201.30 of the program regulations. For allocation purposes, all children ages three through 21 who are entitled to free public education not beyond grade 12, who meet the regulatory criteria and whose eligibility the SEA has adequately documented may be counted as migratory children. However, children, zero through age 21 who have not completed the 12th grade, may be selected to receive program services depending upon their relative ranking as currently or formerly migratory children and their need for program services as determined by each SEA and operating agency in an annual needs assessment.

Basic Definition

In identifying and recruiting eligible migratory children of migratory agricultural workers or migratory fishers, the SEA and its operating agencies must use definitions contained in Section 201.3 of the Chapter 1 regulations. In that section a currently migratory child or a migratory worker is defined as one who—

1) "moved within the past 12 months from one school district to another . . ." (*See* the Chapter 1 regulations for the special exception for children of fishermmen who reside in very large school districts)
2) "to enable the child, parent, guardian, or a member of the immediate family to obtain"
3) "temporary or seasonal employment"
4) "in an agricultural or fishing activity."

The child of a parent or guardian who is a migratory worker is eligible for the migrant education program if:

1) that child moved with or to join a parent or guardian who moved to obtain qualifying employment,
2) that child moved with or to join a parent, guardian, or member of the child's immediate family to enable the child to obtain qualifying employment, or
3) the child moved to obtain such employment after having previously qualified as migratory.

Discussion

These elements, each of which must be considered in relation to the others, have the following meanings:

I. **The Move from One School District to Another**

Any move from one school district to another involves more than just travel. It means a change from one location which the migratory worker may or may not consider his or her regular home to a location in another school district where the worker expects to reside temporarily due to working conditions.

II. **The Reason for the Move** ("To enable the child, parent, guardian, or a member of the immediate family . . . .")

A worker or a child may be considered migratory if he or she has moved to enable the child, parent, guardian, or member of the immediate family to obtain qualifying employment. The requirement concerning the reason for the move is considered to have been met if:

a) the worker, as a result of the move, is seeking or is engaged in qualifying employment; or

b) a worker or/a child of a worker is **not** engaged in qualifying employment and the recruiter determines and documents that he or she intended to obtain qualifying work in a particular location but, upon arrival, found that it was not available.

III. **Temporary or Seasonal Employment**

1) **Seasonal employment** means to perform a seasonal activity. A seasonal activity, whether agricultural or fishing, can easily be determined since it is an activity dependent upon cycles. For example, in agriculture, activities can be planting, cultivating, pruning, harvesting, and related food processing, etc.; in commercial fishing, activities can be planting and harvesting of clams and oysters, fishing during seasonal runs of fish, etc.; in natural animal cycles, activities would involve poultry, livestock, etc.

2) **Temporary employment** is work or tasks related to agricultural or fishing activities that are not permanent and usually last for no longer than 12 months. Making determinations on a qualifying temporary activity becomes more difficult the further removed it is from the qualifying peak seasonal natural growth cycles. To say that temporary is not permanent or that temporary employment has beginning and ending dates at particular times of the year is simplistic and unrealistic. Mending fences, digging irrigation ditches, plucking chickens, and other activities may occur at any time during a year. They can be permanent types of work and not necessarily dependent upon a natural cycle of events.

   The SEA makes eligibility determinations and may use one or more of the following conditions to arrive at the determination as to whether a particular agricultural or fishing employment qualifies as temporary.

   a) The activity itself has a clearly defined beginning and end (e.g., digging ditches, making packing boxes, building fences).

   b) The employer establishes a time frame within which one or a series of tasks are to be completed.

   c) The employee's intent, and/or

   d) The nature of the work is such that it determines the temporary employment time frame, despite the apparent permanency of the work. Based upon an analysis of industry surveys and/or employee work histories it has been established that there is a significant probability that the worker(s) leave within a short period of time.

   In a wide variety of cases, opportunities for employment are readily determined to be **temporary** or **seasonal.** In other cases, however, certain employment opportunities appear to be available on a year round basis but may also be considered temporary if, through study, it is determined and documented at least once every three years that:

   a) The worker looks upon the job as temporary because the work itself is really only part-time employment and rarely leads to full-time employment.

   b) There are periods of lay-offs without pay.

The recruiter should first determine on the basis of interviews whether or not the work is likely to be available on a year-round basis. Other information should be considered in any case involving a determination that a particular type of employment is **temporary** and should be carefully documented as to the reasons for the determination so that it can be readily understood.

IV. Agricultural or Fishing Activity

"An agricultural or fishing activity" means an activity or series of activities that meets one of the following regulatory definitions:

a) **for an agricultural activity**

1) "any activity directly related to the production or processing of crops, dairy production, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence."

The "production" of crops, dairy products, or animals includes, among other things, the planting, cultivation, or harvesting of crops* or the preparation of land for such activities, the raising or milking of dairy farm animals, the gathering of eggs, and the raising of livestock for eventual slaughter [but not for sport (such as horse racing) or for personal use]. The planting, cultivation, and harvesting of fruits and vegetables (e.g., apples, oranges, grapes, tomatoes, potatoes, celery, etc.) are the major activities which employ migratory workers. Their "processing" includes activities such as transporting to the processor, storing, refining, canning, and freezing. It also includes the processing of any part of a crop, dairy object or animal (e.g., cotton seed pressing that is performed after cotton ginning or processing of animal organs). "Initial commercial sale" occurs after the last processing stage of the product. Persons who own their own trucks, and who use them to perform work "directly related" to production or processing, perform an "agricultural activity" for purposes of the Chapter 1 regulations.

Crops

The following are examples of crops that are involved in agricultural and fishing activities:
- Planting—oranges, apples, trees, catfish, oysters
- Cultivating—cotton, beans, onions, oysters
- Pruning—grapes, trees, hops
- Thinning—sugar beets, tomatoes, cotton
- Weeding—lettuce, tomatoes, celery
- Fertilizing—peanuts, apples, orange trees, cotton, lettuce
- Irrigating—cotton, carrots, tomatoes
- Harvesting—picking of all products, both agricultural and fishing

2) "any activity directly related to the cultivation or harvesting of trees"

"Cultivation or harvesting" includes many different activities, such as soil preparation, planting, tending, pruning, and felling, Christmas tree surveys, and planting of tree seedlings

*Crops, in addition to normally thought of foods, includes nursery plants, Christmas trees, flowers, turf, fibers, and similarly grown items.

for restoration of forests. Normally, once the trees are ready to be transported from a harvesting site to a processor (sawmill), a sufficiently direct involvement in cultivation or harvesting ceases to exist and the activity no longer qualifies as "agricultural." Moreover, the processing of trees (at the sawmill) may not be considered as an "agricultural activity" within the meaning of the Chapter 1 regulations. (*See* Senate Report No. 95-561, 95th Congress, 2nd Sess. at 34.) Therefore, any activity directly related to the processing of trees would similarly not be an agricultural activity.

One exception to this rule concerns persons who transport the trees to the processor and who are employed by the same person or firm engaged in the cultivation or harvesting activities. This exception is a matter of convenience since in these situations it may be very difficult to differentiate among employees performing different kinds of work; or

3) "any activity directly related to fish farms"

A "fish farm" is a tract of water reserved for the artificial cultivation of fish or shellfish, such as catfish, eels, oysters, or clams. The fish are artificially cultivated, rather than caught as they would be in a "fishing activity."

b) **for a fishing activity**

"any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence."

Summary of Eligibility Verifications

DISTRICT _____ SCHOOL YEAR 19____-____

REGION_____EDUCATION SERVICE CENTER

DISTRICT STATUS (check one): ☐ Project ☐ Cooperative Member ☐ Nonproject

1. There was a total of_____migrant children identified in the district at the time of verification. Of these, _____ were currently and _____ were formerly migratory children. Of the formerlys, _____ previously had their eligibility verified or validated and were not considered for verification. A total of _____ migrant children comprised the number who were eligible to be verified.

2. A total of _____ migrant children constituted the final verification sample.

3. Of the _____ COEs reviewed, _____ COEs reflected data that was questionable, resulting in a validation interview with the parent/ guardian.*

4. The verification process was completed on _____/_____/_____.
(mo/day/yr)

5. Copies of the most recently obtained COE(s) or a list of the children in the verification sample are attached (check one).

   ☐ Copies ☐ List

6. The following staff participated in the verification process:

SERVICE CENTER STAFF	DISTRICT STAFF
_____	_____
_____	_____
_____	_____

*Complete Summary of Eligibility Validations.

Eligibility Validation Procedures

Project Districts

1. In conjunction with the service center, the district will determine a schedule for conducting visits with the parent/guardian of children whose COE contains questionable data (as determined through the eligibility verification process).

2. Appointments shall be scheduled by the district with the migrant parent/ guardian to be visited.

3. District and service center staff shall conduct the validation interview. It may be conducted at the home of the parent/guardian or at a location that is mutually agreeable (e.g., the child's school). The district shall safeguard the privacy of the interview and avoid the congregating of groups.

4. During the interview with the parent/guardian, the "Parent/Guardian Questionnaire" shall be completed. When possible, the person who signed the most recent COE should be interviewed. If not, someone knowledgeable about the information must be interviewed.

5. If it appears, as a result of the interview, that the information recorded on the COE is incorrect, a new COE must be completed to verify the eligibility of the child.

6. After all validation interviews are completed, the following documentation shall be on file at the district for the previous and the current school years:

   a. A completed "Summary of Eligibility Validations;"

   b. Copies of the completed "Parent/Guardian Questionnaire;"

   c. Copies of the COEs validated; and

   d. Copies of any school district correspondence to the service center requesting the MSRTS deletion of any child(ren) who, through the validation process, was determined to have been misidentified.

Cooperative Member Districts

The same validation procedures stated above for project districts apply to cooperative member districts, except that the service center staff assume the responsibility stated for the district.

Summary of Eligibility Validations

DISTRICT _____ SCHOOL YEAR 19_____-_____

REGION_____EDUCATION SERVICE CENTER

DISTRICT STATUS (check one): ☐Project ☐Cooperative Member ☐Nonproject

1. There were_____migrant children identified to date in the district.

2. A total of_____migrant children were validated.

3. A total number of _____ migrant children who were validated were subsequently determined to be ineligible due to misidentification.

4. The validation process was completed by _____/_____/_____.
(mo/day/yr)

5. For all children determined to be ineligible, as a result of the validation, the service center has been notified in writing that these children should be removed from the MSRTS data bank.

   ☐Yes ☐No

6. Copies of the most recently obtained COEs for the children in the validation sample are attached.

   ☐Yes ☐No

7. Copies of the completed "Parent/Guardian Questionnaire" are attached.

   ☐Yes ☐No

8. The following staff participated in the validation process:

SERVICE CENTER STAFF	DISTRICT STAFF
_____	_____
_____	_____
_____	_____

Parent/Guardian Questionnaire

19_____/_____

1. District _____

2. Names of other children in family with same LQM information:

_____

_____

_____

3. Date _____/_____/_____ 4. Migrant student name _____.

5. Parent/Guardian interviewed: ☐ Parent ☐ Guardian

6. Interviewer(s)

_____ _____

_____ _____

7. Please review the information on the COE form. (Note: Go over COE eligibility items.) Did you give this information? ☐ Yes ☐ No

8. Did you sign this form? ☐ Yes ☐ No

If No, please explain: _____

_____

I have understood the questions asked during this interview, and the answers I have given are correctly recorded on this form.

9. _____ _____/_____/_____
(Parent/Guardian Signature) Date

10. _____ _____/_____/_____
(Interviewer Signature) Date

11. _____ _____/_____/_____
(Interviewer Signature) Date

12. Determination of migrant eligibility criteria:

☐ Parent/Guardian confirmed and/or supplied additional data and child is eligible.
☐ Parent/Guardian confirmed data, but supplied additional data which makes student ineligible.
☐ Parent/Guardian denied data, student is ineligible. Explain _____

_____

☐ Other (specify)

_____

Parent/Guardian Questionnaire Instructions

All personnel involved in recruitment and validation must be knowledgeable about the criteria for determining migrant eligibility.

1. Enter the name of the district.

2. Enter the last and first names of other children with the same LQM data.

3. Enter the date of the validation visit, by month, day, and year.

4. Enter the name of the migrant student being validated.

5. Enter the name of the parent/guardian interviewed and check the appropriate box to indicate whether the interviewee is the child's parent or guardian.

6. Enter name(s) of the interviewer(s).

7. Review, item by item, the information in Section II (Eligibility Data) of the COE. Moves of short duration and distance should be examined carefully. It will be useful to inquire if the worker presently has a full-time job and whether this activity is a second job. Such cases will generally not qualify. Verify whether all information in this section was given by the parent/guardian. If the information in this section was given by the parent/guardian, check "Yes" in the space provided. If not, check "No" in the space provided and complete a new COE to reflect the new information stated by the parent/guardian.

8. If the parent/guardian confirms signing the COE, check "Yes." If not, check "No" and indicate in the space below who signed the form.

9. Explain to the parent/guardian that his/her signature is needed to verify the information recorded. Review the information recorded and obtain the parent/guardian signature. The interviewer or the parent/guardian may date the parent/guardian signature.

10. & 11. Interviewer(s) signs and dates.

12. The school district and service center personnel should privately discuss the results of the interview and conclude whether the child is eligible as a migrant. The box which describes the conclusion should be checked. If "other" is checked, the reasons which led to a determination of ineligibility should be described.

School District MSRTS Daily Log A
Minimal Requirements

School District: _____

19 _____ - _____

Elementary Campus: _____
(Grades PK-6)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)							(14)			(15)
Student Name and Student ID	Grade Level	Mig. Status	Residency Date	School Enrollment Date	Date COE Signed	Date COE Sent To ESC	Date MSRTS Records Received	Date MSRTS Records Distributed	School Withdrawal Date	Date Withdrawal Data Sent to ESC	Date TEAMS Sent to ESC	Terminations							Date Health Data Sent to ESC			Date Spec. Education Data Sent to ESC
												Code					Termination Date	Date Sent To ESC	Immunizations	Screens & Labs	Health Prob.	
												G	D	O	N	E						

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School District MSRTS Daily Log B
Minimal Requirements

School District: _____

Secondary Campus: _____
(Grades 7-12)

Date Fall Semester Ends : ____/____/____
Date Spring Semester Begins: ____/____/____
Date Spring Semester Ends : ____/____/____

19 _____ - _____

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)							(14)			(15)	(16)					
Student Name and Student ID	Grade Level	Mig. Status	Residency Date	School Enrollment Date	Date COE Signed	Date COE Sent To ESC	Date MSRTS Records Received	Date MSRTS Records Distributed	School Withdrawal Date	Date Withdrawal Data Sent to ESC	Date TEAMS Sent to ESC	Terminations Code G	D	O	N	E	Termination Date	Date Sent To ESC	Date Health Data Sent to ESC: Immunizations	Screens & Labs	Health Prob.	Date Spec. Education Data Sent to ESC	Date Secondary Credit: Previous Courses	Fall Semester Courses	Spring Semester Schedule	Recom. Courses	Spring Semester Grades	Credits Consolidated

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School District MSRTS Daily Log

Instructions

The "School District MSRTS Daily Log" is designed to be used to document MSRTS activities that have been completed for every migrant child identified in the school district during the current school year. These instructions apply to both versions of the log; only the instructions for item 16 will vary. Students enrolled in PreK-6th grades should be listed on Log A and students enrolled in grades 7-12 should be listed on Log B. These logs should be completed daily so that they will be an accurate reflection of MSRTS activities that have taken place to date (see Section VIII of the "Guidelines" manual). Not all items on the logs will be completed for every child identified as some children will be enrolled in school and others will not; some students will require the reporting of educational and health updates and others will not, etc. The following guidelines should be followed in determining which items should be completed on the logs for each child:

- **Currently Migratory:**
  - Enrollees (PreK-12th grades)—Complete columns #1-12 and, if applicable, #3-16.
  - Non-Enrollees (birth-21 years)—Complete columns #1-4, #6-9, and, if applicable, #13.
- **Formerly Migratory:**
  - Previously Identified:
    - Enrollees (PreK-12th grades)—Complete columns #1-5 and, if applicable, #8-16.
    - Non-Enrollees (birth-21 years)—Complete columns #1-4 and, if applicable, #8, #9, and #13.
  - Newly Identified:
    - Enrollees (PreK-12th grades)—Complete columns #1-9 and, if applicable, #10-16.
    - Non-Enrollees (birth-21 years)—Complete columns #1-4, #6-9, and, if applicable, #13.

Heading—Enter the name of the school district and the campus. For Log B only, enter the date the fall semester ends and the dates the spring semester begins and ends.

1. **Student Name & Student ID**—Enter the last and first names of the child and his/her MSRTS Student ID.

2. **Grade Level**—Enter the grade level of the student. If a child is enrolled in a preschool/Early Childhood program, enter P4 if the child is four years old, or P5 if the child is five years old. If the student is in kindergarten, enter K. If the student is in grades 1-12, enter the appropriate number for the grade level. If the child is not enrolled in any preschool/Early Childhood program, or in grades K-12, the child is considered to be a non-enrollee and no grade level should be entered; instead, enter N/E (non-enrollee).

3. **Migrant Status**—Enter the migrant status code (i.e., 1, 2, 3, 4, 5, or 6) of the child.

4. **Residency Date**—Enter the month, day, and year of the child's arrival into the district.

5. **School Enrollment Date**—Enter the month and day on which the student officially enrolled in school.

6. **Date COE Signed**—Enter the month and day on which the Certificate of Eligibility (COE) was signed by the child's parent/guardian.

7. **Date COE Sent to Service Center**—Enter the month and day on which the COE was sent to the service center.

8. **Date MSRTS Records Received**—Enter the month and day on which the MSRTS Educational and Health Records were received in the school district from the MSRTS data bank in Little Rock, Arkansas.

9. **Date MSRTS Records Distributed**—Enter the month and day on which the MSRTS Educational and Health Records were delivered to the student's instructional and/or health providers.

10. **School Withdrawal Date**—Enter the month and day on which the student officially withdrew from school.

11. **Date Withdrawal Data Sent to Service Center**—Enter the month and day on which the MSRTS withdrawal data were sent to the service center.

12. **Date TEAMS Sent to Service Center**—Enter the month and day on which the results of the Texas Educational Assessment of Minimum Skills (TEAMS) were sent to the service center.

13. **Terminations:**

    Code—Check the appropriate termination code, if applicable:

    G – graduated
    D – deceased
    O – dropped out of high school
    N – assumed non-migrant status as per parental request
    E – obtained GED

    Termination Date—Enter the month, day, and year of the termination.

    Date Sent to Service Center—Enter the month and day on which the termination data was sent to the service center.

14. **Date Health Data Sent to Service Center**—Enter, under the appropriate health category (i.e., Immunizations, Screens/Labs, and/or Health Problems), the month and day on which the health data were sent to the service center.

15. **Date Special Education Data Sent to Service Center**—Enter the month and day on which the special education contact data, if applicable, were sent to the service center.

16. **Date Secondary Credit Sent to Service Center**—Enter, under the appropriate secondary credit category, the month and day on which the secondary credit data were sent to the service center.

School District MSRTS Assessment Instrument

CAMPUS _____ REVIEWER _____

Required MSRTS Activity	Date Reviewed	Comments/Action Taken
LEA MSRTS INSERVICE		
RECRUITMENT: Residency Ver/Mass Enr		
New Qualifying Move		
Newly Identified		
RECORDS DISTRIBUTION		
UPDATING MSRTS RECORDS: Teams		
Secondary Credit Data		
Special Ed. Contact		
Health		
Graduations, etc.		
MSRTS WITHDRAWAL During School Year		
End of School Year		
ELIGIBILITY VERIFICATION		
MSRTS FILES		
MSRTS LOGS		
SUMMER SCHOOL		

TEXAS EDUCATION AGENCY
Division of Special Programs

Misidentified Student Notification Form

REGION_____ESC

School Year 19 _____ - _____

DATE:_____/ _____/ _____

The student(s) listed below has/have been determined to be ineligible due to misidentification. The required terminal transactions have been performed to remove the unauthorized School History enrollment lines.

Terminal ID	Enrolling District	Name of Misidentified Student	MSRTS Student ID	Date of Birth	Misidentification Determined By:	
					Validation Process	Routine Finding

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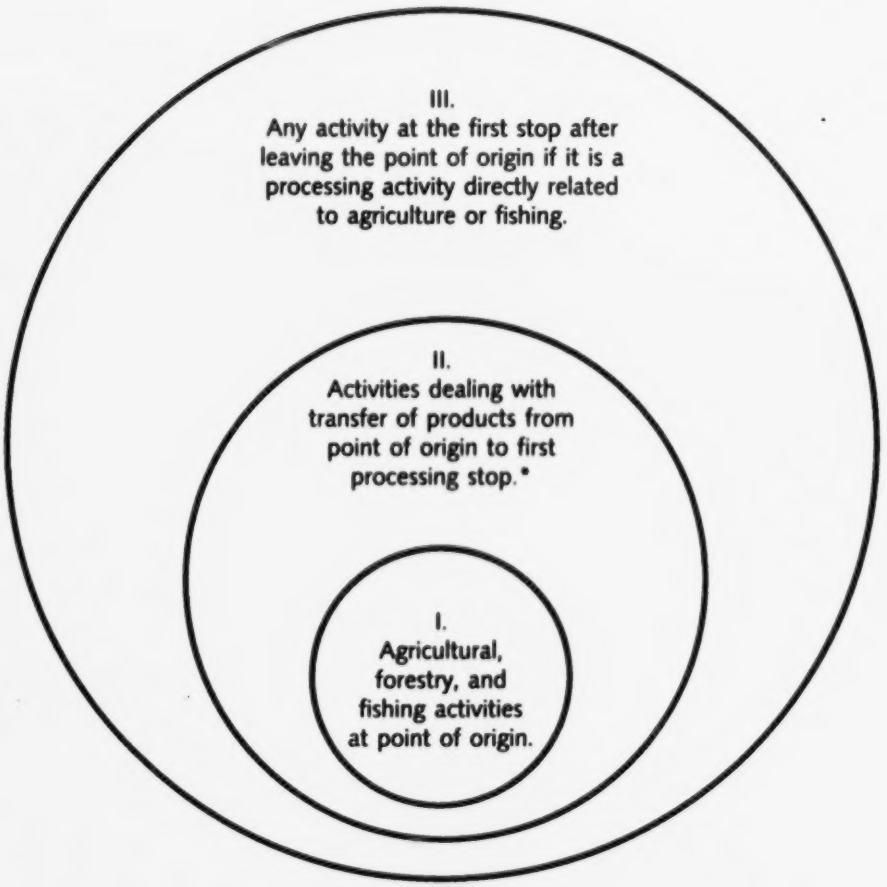
Eligibility Conditions

Move	Seasonal	Temporary	Qualifying Activity
1. Did person cross school district lines? No, person ineligible. Yes, continue.	1. Can job obtained be considered seasonal? Yes, go to qualifying activity. No, go to temporary.	1. Are conditions of the job temporary? Yes, go to qualifying activity. No, ineligible.	1. Is the activity (job) an agricultural/fishing activity? Yes, eligible. No, go to question 2.
2. Was move for a short period of time? (3-5 days) No, go to seasonal. Yes, go to question below.			2. Is activity directly related to agriculture/fishing? Yes, eligible. No, go to question 3.
3. Did person remain in a new location? (Did not commute) Yes, go to seasonal. No, ineligible.			3a. If activity involved hauling in logging, was hauling done by independent contractor? Yes, ineligible. No, eligible.
4. Was move made within last 12 months? Yes, go to seasonal. No, go to question below.			3b. Does activity involve transportation of crops to first processing stop? Yes, eligible. No, ineligible or seek technical assistance.
5. Was move made within last 6 years? Yes, go to seasonal. No, ineligible.			4. Is activity at the first processing stop? Yes, eligible. No, ineligible or seek technical assistance.

Migrant Qualifying Activities


III.
Any activity at the first stop after leaving the point of origin if it is a processing activity directly related to agriculture or fishing.
II.
Activities dealing with transfer of products from point of origin to first processing stop.*
I.
Agricultural, forestry, and fishing activities at point of origin.

A processing activity beyond the first

STOP may be eligible.
Request assistance and document.

*Forestry—See tree cultivation and harvesting in the "Definitions" under the section on "Eligibility."

AMBIGUOUS SPELLING OF NAMES

Region I Education Service Center has developed a list of names, each of which has more than one spelling and often results in the creation of duplicate records on the MSRTS. This can result in a delay of the transfer of records. To avoid this duplication, staff should always check for duplicate records when enrolling a child whose history indicates enrollment in only one school or only one state or when the child's last name is one of these:

Name	Alternate Spelling
ABELDANO	AVELDANO
ALANIZ	ALANIS
AGUIRRE	AQUIRRE
ALONZO	ALONSO
ALVARADO	ALBARADO
ALVAREZ	ALBAREZ
	ALVARES
AREVALO	AREBALO
AVILA	ABILA
ARVIZU	ARVISU
AMBRIZ	AMBRIS
ARREAGA	ARIAGA
ARMENDARIZ	ARMINDARIS
ARZOLA	ARSOLA
ANCISO	ANCIZO
	ANSIZO
BARBOZA	BARBOSA
BAZAN	BASAN
BAZALDUA	BASALDUA
BARRAZA	BERAZA
BENITEZ	BENITES
BARRON	BARON
CABALLERO	CAVALLERO
CARDOZA	CARDOSA
CARANZA	CARANSA
	CARRANZA
CARRIZALES	CARRISALEZ
CASAREZ	CAZARES
	CACERES
CEBALLOS	CEVALLOS
CEPEDA	ZEPEDA
CERVANTEZ	SERVANTES
CORTEZ	CORTES
COVARRUBIAS	COBARRUVIAS
CERRILLO	CIRELOS
DE LA CRUZ	DELA CRUZ
	DELACRUZ
DE LA FUENTE	DELA FUENTE
	DELAFUENTE
DE LA GARZA	DELA GARZA
	DELAGARZA
DE LA PENA	DELA PENA
	DELAPENA
DE LA TORRE	DELA TORRE
	DELATORRE
DELGADILLO	DELGA DILLO
DELGADO	DEL GADO
DE LEON	DELEON
DEL BOSQUE	DELBOSQUE
DIAZ	DIAS

Note: All compound names could have similar possible spellings. The computer considers the first six characters in a name when making matches.

Name	Alternate Spelling
ELIZONDO	ELISONDO
ESPINOZA	ESPINOSA
ESQUIBEL	ESQUIVEL
ESPARZA	ESPARSA
EURESTE	URESTI
EGUIA	EQUIA
ECHAVERRIA	ECHEBARRIA
ESPERIQUETA	ESPIRIQUETA
FIGUEROA	FIGEROA
FLORES	FLOREZ
MANDES	MANDEZ
MANZANO	MANSANO
MARES	MAREZ
MENDEZ	MENDES
MENDOZA	MENDOSA
MONTALVO	MONTALBO
MARROQUIN	MAROQUIN
MEZA	MESA
MONCIBAIZ	MONSIBAIS
	MONCIVAIZ
	MONCIBAIZ
	MONCEVAIS
MUNOZ	MUNOS
MUSQUIZ	MUSQUIS
NARVAIZ	NARVAIS
	NARVAEZ
NAVAREZ	NEVAREZ
	NEVARES
NUNEZ	NUNES
OLGUIN	OLQUIN
OLIVAREZ	OLIVARES
OLIVERA	OLIVIERA
	OLIBERA
OROZCO	OROSCO
ORTIZ	ORTIS
OZORNIO	OSORNIO
OZUNA	OSUNA

Name	Alternate Spelling
PACHECO	PACHERO
	PECHERO
PAREDES	PAREDEZ
PEDRAZA	PEDRASA
PERALEZ	PERALES
PECINA	PESINA
PEREZ	PERES
PIZANA	PIZANO
PENA	PINA
PICASSO	PICAZO
QUEZADA	QUESADA
QUIROZ	QUIROS
RAMIREZ	RAMIRES
RESENDEZ	REZENDEZ
RINCON	RINCONES
RIOJAS	ROJAS
RIVAS	RIBAS
RODRIGUEZ	RODRIGUES
ROMAN	RAMON
ROSALEZ	ROSALES
RUBALCADA	RUBALCABA
	RUBALCAVA
RUIZ	RUIS
	REESE
SAAVEDRA	SAVEDRA
	SABEDRA
SANDOVAL	SANDOBAL
SAUCEDA	SAUSEDA
	SAUCEDO
	SAUSEDO
SERRATO	ZERRATO
SOLIZ	SOLIS
SOSA	SOZA
TAMEZ	TAMES
TAVAREZ	TABAREZ
TELLES	TELLEZ
TORRES	TORREZ
TOVAR	TOBAR
TURRUBIATE	TURRIVIATE
UVALLE	OVALLE
VALDEZ	VALDES
VALADEZ	VALADES
VALDIVEZ	VALDIVIEZ
	BALDIBIEZ
VASQUEZ	VASGUEZ
	VAZQUEZ
VELASGUEZ	VELASQUEZ
	VELAZGUEZ
	VELAZQUE
VIDAURRI	VIDAURI
VILLALOBOS	VILLALOVOS
VILLARREAL	VILLAREAL

Note: Y and I are interchangeable in spelling Spanish names.

Name	Alternate Spelling
ZAMBRANO	SAMBRANO
ZARAGOZA	ZARAGOSA
	SARAGOZA

Note: Care should be given to the spelling of first names. Y and I, S, Z, and C, and B and V are some of these interchangeable first letters in first names. Nicknames should not be used.

STATE NAMES, TERRITORIES, AND POSSESSIONS: CODES AND ABBREVIATIONS

Name	Abbreviation
USA	
Alabama	AL
Alaska	AK
Arizona	AZ
Arkansas	AR
California	CA
Canal Zone	CZ
Colorado	CO
Connecticut	CT
Delaware	DE
District of Columbia	DC
Florida	FL
Georgia	GA
Guam	GU
Hawaii	HI
Idaho	ID
Illinois	IL
Indiana	IN
Iowa	IA
Kansas	KS
Kentucky	KY
Louisiana	LA
Maine	ME
Maryland	MD
Massachusetts	MA
Michigan	MI
Minnesota	MN
Mississippi	MS
Missouri	MO
Montana	MT
Nebraska	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York	NY
North Carolina	NC
North Dakota	ND
Ohio	OH
Oklahoma	OK
Oregon	OR
Pennsylvania	PA
Puerto Rico	PR
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee	TN
Texas	TX
Utah	UT
Vermont	VT
Virginia	VA
Virgin Islands	VI
Washington	WA
West Virginia	WV
Wisconsin	WI
Wyoming	WY
CANADA	
Alberta	AB
British Columbia	BC
Manitoba	MB
New Brunswick	NB
Newfoundland	NF
Northwest Territories	NT
Nova Scotia	NS
Ontario	ON
Prince Edward Island	PE
Province of Quebec	PQ
Saskatchewan	SK
Yukon Territory	YT
MEXICO	
Aguascalientes	AG
Baja California Norte	BN
Baja California Sur	BS
Campeche	CM
Coahuila	CU
Colima	CL
Chiapas	CS
Chihuahua	CH
Distrito Federal	DF
Durango	DG
Guanajuato	GT
Guerrero	GR
Hidalgo	HG
Jalisco	JA
Mexico (state)	MX
Michoacan	MC
Morelos	MR
Nayarit	NA
Nuevo Leon	NL
Oaxaca	OA
Puebla	PU
Queretaro	QE
Quintana Roo	QI
San Luis Potosi	SL
Sinaloa	SI
Sonora	SO
Tabasco	TB
Tamaulipas	TM
Tlaxcala	TL
Vera Cruz	VE
Yucatan	YU
Zacatecas	ZA

ANSWERS TO CASE STUDIES

CASE #1

The 11 year old child in this family is **eligible** to be counted as a currently migratory child because he/she meets the following criteria:

(a) there was a move across school district/state boundaries;

(b) the child accompanied the parents on this move;

(c) the move was made to engage in qualifying work;

(d) picking apples is seasonal and temporary;

(e) picking apples is an agricultural activity; and

(f) the LQM date is August 4, 1988.

CASE #2

The 14 year old child in this family is **eligible** to be counted as a currently migratory child because he/she meets the following criteria:

(a) there was a move across school district boundaries;

(b) the child accompanied the parents on this move;

(c) the intent is irrelevant since they are engaged in qualifying work;

(d) picking vegetables is seasonal and temporary;

(e) picking vegetables is an agricultural activity; and

(f) The LQM date is not given. It would have to be between April 10-May 15.

CASE #3

The 16 year old child is **eligible** to be counted as currently migratory due to the following criteria:

(a) the family moved across district boundaries;

(b) the child moved with them;

(c) they moved to find qualifying work;

(d) they were seeking temporary or seasonal work; and

(e) they were seeking agricultural work.

NOTE: In a case like this, the recruiter looks for intent.

CASE #4

The nine year old child is **eligible** to be counted as migratory **on a previous move.**

NOTE: The recruiter needs to follow a line of questioning to determine that the child qualifies on the move to Martinsville and when that move was made to establish the status.

CASE #5

The 10 year old child is **ineligible** to be counted as a formerly migratory child due to the following criteria:

(a) There is not enough information to make an eligibility determination. It is not known whether there were overnight stays. It is not clear whether Macon and Albany are two different districts.

If additional facts are gathered and the child were to be eligible, the recruiter would need more information on exactly what the family was doing in order to explain the qualifying activity on the COE.

CASE #6

The child is **eligible** to be counted as a currently migratory child due to the following criteria:

(a) there was a move across school district boundaries;

(b) the move was to engage in a qualifying activity;

(c) the activity performed was seasonal;

(d) the activity was in agriculture; and

(e) the recruiter can base the determination on intent and support it with the history of the migratory family. The recruiter needs to ascertain where the supermarket is, in Salem or in Portland.

CASE #7

The child in this family is **ineligible** to be counted as a migratory child because one criteria was not met:

(a) The worker has worked on a series of tasks which individually would be seasonal/temporary but which together and continuously have provided permanent work lasting longer than 365 days. (As supportive evidence the recruiter can note that the worker's previous employment lasted three years with the same employer.)

If the recruiter obtains additional information, such as layoffs without pay, or a signed statement by the rancher and/or the employee that the employee was initially hired on a temporary basis, then the child would qualify. This information would have to be entered on the COE.

CASE 8

The child in this case is **eligible** to be counted as a currently migratory child because he/she meets the following criteria:

(a) there was a move across school district/state boundaries;

(b) the child accompanied the parents on this move;

(c) the intent is irrelevant since the parent was engaged in qualifying work (The recruiter has knowledge that meat packing at the particular plant is qualifying work.); there is a history of work which should be documented on the COE;

(d) the meat packing industry is temporary for this job; and

(e) the meat packing industry is an agricultural activity for this job.

CASE 9

The five year old child in this case would be **ineligible** to be counted as currently or formerly migratory based on the following:

(a) the child is not eligible as a currently because the move was not agriculturally related; and

(b) the child is not eligible as a formerly because the child did not move with or to join the parents on their move to Donna, Texas in 1975 (unborn).

CASE 10

Sarita is **eligible** to be counted as formerly migratory until September 7, 1990, based on the following criteria for the September 7, 1984 move:

(a) there was a move across school district/state boundaries;

(b) Sarita accompanied the parents;

(c) the move was made to engage in qualifying work; and

(d) picking oranges is seasonal/temporary agricultural work.

ANSWERS TO IDENTIFICATION AND RECRUITMENT COMPETENCIES

1 - F—Page 6 in manual
2 - T—Page 7 in manual
3 - F—Chart (Migrant Qualifying Activities) under Forms, Questionnaires, and Charts in Appendix in manual
4 - T—Definition in the Federal Register
5 - T—Page 4 in manual
6 - F—Page 6 in manual; in the Federal Register
7 - T—Definitions in the Federal Register
8 - T—Page 4 in manual; in the Federal Register
9 - F—Page 7 in manual
10 - T—Page 9 in manual
11 - F—Page 4 in manual
12 - F—Page 6 in manual
13 - T—Page 6 in manual; chart (Migrant Qualifying Activities) under Forms, Questionnaires, and Charts in Appendix in manual
14 - F—Page 4 in manual
15 - T—Page 6 in manual
16 - T—Page 8 in manual; in the Federal Register
17 - T—Page 6 in manual
18 - T—Page 6 in manual
19 - F—Page 6 in manual; Nonregulatory Guidance
20 - T—Page 7 in manual
21 - T—Pages 41 and 46 in manual
22 - T—Pages 8 and 45 in manual
23 - T—Page 45 in manual
24 - F—Page 45 in manual
25 - T—Page 6 in manual
26 - T—Pages 8-9 and 39 in manual
27 - T—Pages 3 and 41-46 in manual
28 - F—Pages 5, 6, and 42 in manual; definitions in the Federal Register
29 - T—Pages 3 and 41-46 in manual
30 - T—Page 4 in manual
31 - T—Page 4 in manual
32 - F—Page 4 in manual
33 - F—Page 5 in manual
34 - T—Pages 8, 39, 40, and 56 in manual
35 - F—Page 5 in manual
36 - T—Page 5 in manual
37 - T—Page 5 in manual
38 - T—Page 6 in manual
39 - T—Page 7 in manual; definitions in the Federal Register
40 - T—Pages 41-46 in manual
41 - F—Page 5 in manual
42 - T—Pages 4 and 5 in manual
43 - T—Page 6 in manual; Nonregulatory Guidance
44 - F—Page 19 in manual
45 - T—Page 18 in manual
46 - F—Page 33 in manual
47 - T—Page 62 in manual
48 - T—Page 8 in manual
49 - F—Pages 9 and 48 in manual
50 - F—Infer from the requirement for training for all staff and the section on "Quality Control"

GLOSSARY

Agency	Texas Education Agency
Assistant Secretary	Assistant Secretary for Elementary and Secondary Education
Audit Exception	Violation of a statute or regulation
COE	Certificate of Eligibility
CFR	Code of Federal Regulations
Currently	"Currently migratory child" as defined in 201.3, Appendix
Data entry specialist	Specialist who enters information into MSRTS data bank at the service center terminal site
District	Local school district
ESC	Education service center
FERPA	"Family Educational Rights and Privacy Act"
Formerly	"Formerly migratory child" as defined in 201.3, Appendix
"Framework" manual	"Identification and Recruitment of Migrant Students, A Framework for Texas Schools"
FTE	Full-time equivalency
GED	Graduate Equivalency Diploma
"Guidelines" manual	"Implementation Guidelines for School District Required Migrant Student Record Transfer System (MSRTS) Component Activities" manual
ID	Identification
LEA	Local education agency
LEP	Limited English proficiency
LQM	Last qualifying move
Memorandum	Memorandum of Understanding
MEP	Migrant Education Program
MERIT	"Migrant Education Recruitment and Identification Training"
Move	See "Interviewing the Migrant Family"
MSRTS	Migrant Student Record Transfer System
NRG	Nonregulatory Guidance
OIG	Office of Inspector General
PAC	Parent Advisory Committee
SEA	State education agency
Service center	Education service center
SMART	"Systematic Methodology for Accountability in Recruiter Training"
TEAMS	Texas Educational Assessment of Minimum Skills
State Board	State Board of Education
USDE	United States Department of Education
Verification	A quality control process
Validation	A quality control process

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COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a non-segregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964; EXECUTIVE ORDERS 11246 AND 11375; TITLE IX, 1973 EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; AND VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED IN 1974.

It is the policy of the Texas Education Agency to comply fully with the nondiscrimination provisions of all federal and state laws and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any programs or activities which it operates on the grounds of race, religion, color, national origin, sex, handicap, age, or veteran status (except where age, sex, or handicap constitute a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency makes positive efforts to employ and advance in employment all protected groups.

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